



POLICY BRIEF
Critical reflections on 21 November 2019 Dáil Éireann Debate on the
Island Fisheries (Heritage Licence) Bill 2017

2 December 2019

Background

The Island Fisheries (Heritage Licence) Bill (the Bill) was presented to Dáil Éireann as a Private Members' Bill on 17 July 2017. The Bill proposes “the issuing of heritage licences to island fishermen to facilitate the continuance of traditional fishing practices on Ireland’s offshore islands.” It is envisaged that a small proportion (less than 1%) of national quota, for island-relevant species, be set aside annually for small-scale island vessels (under 12 metres in length and using non-towed gear) that are on the general polyvalent (multi-purpose) register. The purpose of the Bill is to enhance the access of polyvalent-registered island vessels to island-relevant species and enable the development of co-managed, low impact, small-scale fisheries in bays and coastal waters around the islands, within the six mile territorial limit. The Bill seeks to give effect to Recommendation 10 of the Joint Sub-Committee on Fisheries in its 2014 ‘Report on Promoting Sustainable Rural Coastal and Island Communities.’ The Joint Committee on Agriculture, Food and the Marine undertook detailed scrutiny of the Bill in June 2018 and, in November 2018, issued a report on the ‘Detailed Scrutiny of the Island Fisheries (Heritage Licence) Bill 2017’ (the Detailed Scrutiny Report). In April 2019, the Minister for Agriculture, Food and the Marine issued a Reasoned Response to the Bill refusing to recommend the issue of a money message¹ for the Bill on the ground of incompatibility with the Common Fisheries Policy and related regulations.

I have set out below my reflections on certain points raised during the 21 November 2019 Dáil debate on the Detailed Scrutiny Report. The points addressed include the potential gains for smaller vessels as a result of the exclusion of larger trawlers from within the six mile territorial limit, the privatisation of quota, and compatibility of the Bill with the Common Fisheries Policy.

The material practices of small-scale fishing prevents smaller vessels gaining exponentially from exclusion of larger trawlers

Referring to a Bord Iascaigh Mhara analysis, Minister Creed contended that the imminent exclusion of larger trawlers from the six mile coastal zone represented a likely reduction of 2.6% (€5.5 million) of their overall landings, which translated to a potential increase of 62% in the value of their landings for smaller vessels who would have the opportunity to fish herring and sprat in bays and coastal areas no longer accessible to large trawlers.

There are several problems with the equation $-2.6\% \text{ for } >18m \text{ vessels} = (\text{potentially}) +62\% \text{ for } <18m \text{ vessels}$. Firstly, it conflates availability of fish stocks in an area with access to those stocks that are quota species. Although sprat is not a quota species, herring is, and smaller vessels without herring quota will not have access to the herring unfished by the large trawlers. The trawlers may leave behind the fish in the bays and coastal areas, but they do not leave behind their herring quota (which they can use to fish herring outside the six mile territorial

¹ As the Government considers the Bill to incur a charge on public funds if enacted, it cannot proceed to Committee stage without a money message. There are currently more than 50 bills that have failed to progress to committee stage due to the withholding of a money message. A related court case on this issue is due to be heard in December 2019. <https://www.irishtimes.com/news/crime-and-law/courts/supreme-court/d%C3%A1il-money-message-case-to-be-heard-in-december-1.4075820>

limit). Secondly, the polyvalent (multi-purpose) segment has two sub-segments that separate over 18m and under 18m vessels. It is not permitted to transfer capacity (quota) between these sub-segments. The smaller boats cannot apply to access herring quota that would have been used by the larger trawlers to fish herring in these bays and coastal areas, as this quota has been allocated to a sub-segment to which the smaller vessels do not belong. Thirdly, the International Council for the Exploration of the Seas (ICES) has advised that there should be zero catch in 2020 for herring in the west of Ireland and west of Scotland (ICES areas 6.a and 7.b-c).² Fourthly, there has been a steady decline in the landings of sprat since 2015 and no precautionary management plan is in place.³ This raises the question as to what the state of the sprat stocks in these grounds will be in 2022 when they will no longer be accessible to the larger trawlers.

Fifthly, smaller vessels and larger trawlers are incommensurable. Smaller vessels have more limitations than larger trawlers, and access fishing opportunities differently. For safety reasons, smaller vessels cannot fish in the same conditions or as far offshore as larger trawlers. For example, smaller vessels have a much shorter range and do not travel far from their home port. Bad weather conditions limit their days at sea, choice of fishing grounds and result in shorter fishing seasons. The lived reality of fishing a smaller vessel on the islands is even more distinctive, where fishing has traditionally been a part-time, seasonal occupation. The flexibility and adaptability required by island life is reflected in their traditionally mixed fishing practices. For example, an island boat may set lobster pots one day, be landbound by weather the following day, fish with nets the day after that and lift pots the next. Larger vessels tend to be more specialised in gear, in the species targeted and can travel far from their home ports.

A dangerous foot in the door to ~~privatisation~~ democratisation of our quota?

Minister Creed was concerned that enactment of the Island Fisheries (Heritage Licence) Bill would be a “dangerous foot in the door to privatisation of our quota”. Privatisation of quota drastically reconfigures human-environment relationships as quota entitlements accrue to a few instead of fishing opportunities being shared widely. Privatisation of quota removes small-scale and part-time fishers (by consolidation of the fleet), leads to destruction of fishing communities, tends to prevent alternative (eg more collective) ways of organising the economy and consolidates power in the hands of a few.⁴ Although Irish quota is state property and is not transferable between vessels, the seascape shaped by the Irish quota allocation system bears some striking similarities to a privatised seascape. The Annual Report on the Irish Fishing Fleet for 2018 reports “some consolidation in recent years with the reduction in vessel numbers”⁵ and the majority of quota privileges for the most valuable species (mackerel, herring, nephrops) ends up in the hands of very few larger vessels. For example, it was recently highlighted by the Irish South and West Fish Producers Organisation that 91% of Atlanto-Scandian herring quota is allocated to 23 pelagic vessels, owned by 18 individuals.⁶

In contrast, the Island Fisheries (Heritage Licence) Bill envisages collective, communities-led, evidence-based co-management of a multi-species fishery in common waters around the offshore islands. This locally-based governance system envisages sharing out a small percentage of ring-fenced national quota for island-relevant species amongst a collective of 70 polyvalent-registered, island vessels, where unused quota is returned to the collective islands ‘quota pot’ as it would not belong to any individual or any individual island vessel. While several deputies mentioned the low impact of small-scale vessels on the marine environment, it is important to note that management is required to ensure low impact from all vessels, including those under 12m using non-towed gear. This is especially the case in the context of steadily rising costs (such as fuel) which mean that fishers need to fish more intensively to cover their costs. The challenges of co-managing many smaller vessels in a multi-species, sustainable, seasonal fishery in the island’s coastal waters and bays would require adherence

² Marine Institute 2019. The Stock Book. Report to the Minister for Agriculture, Food and the Marine Annual Review of Fish Stocks in 2019 with Management Advice for 2020.

³ Marine Institute 2019. The Stock Book. Report to the Minister for Agriculture, Food and the Marine Annual Review of Fish Stocks in 2019 with Management Advice for 2020.

⁴ McCormack, F. 2017. Private Oceans: The Enclosure and Marketisation of the Seas. Pluto Press, London.

⁵ Department of Agriculture Food and the Marine 2018. Annual Report on the Irish Fishing Fleet for 2018.

⁶ Mills, G. 2019. Blue Whiting Quota 2020 Gives ‘Stability’ to Irish Fishermen. Inshore Ireland, 5 November 2019 <https://inshore-ireland.com/blue-whiting-2020-quota-gives-stability-to-irish-fishermen/>

to structured rules, strong science-based collaborations and cooperation between an islands-specific producer organisation and government agencies. In such a scenario, the Bill has potential to yield a democratised, rather than a privatised, seascape.

Compatibility with the Common Fisheries Policy and related regulations

The Government's Reasoned Response to the Bill seems to be based on an erroneous interpretation of the intention and scope of the Bill. This is likely due in no small part due to the misleading title of the Bill ("an Act to provide for the issuing of heritage licences to island fishermen...") and Article 2(1) which refers to the Minister "granting...a licence". These provisions suggest that the Bill is proposing the issuance of a separate and additional licence to the general polyvalent licence possessed by island vessels registered on the general polyvalent register. However, my understanding is that a separate licence is not the intention of the Bill. The only relevant licence issued is the polyvalent licence, it is attached to a polyvalent-registered vessel, the vessel is owned by an island resident, and the owner must be on board for the vessel to avail of the Bill's provisions. It is envisaged that this polyvalent licence would become an enhanced access polyvalent licence under the provisions of the Bill. A more accurate title might be the Island Fisheries (Heritage Access) Bill.

Just as 23 large pelagic vessels have been ringfenced into a separate Refrigerated Sea Water Pelagic segment with enhanced quota entitlements (up to 91% for Atlanto-Scandian herring, as noted earlier), the Bill proposes ringfencing (currently 70) polyvalent-registered small island vessels for less than 1% of the national quota for island-relevant species. Minister Creed observed that the current licensing system already allows island residents "to enter the fishing fleet in the same manner as any other applicant." However, entry to the fishing fleet does not confer an automatic entitlement to access island-relevant quota species. Requirements of track record, species-relevant tonnage, species-relevant engine power, fleet segmentation, gear and small boat set asides differ for each quota species and can create exclusions as well as inclusions. The introduction of the EU landing obligation (for all vessels since January 2019) requires that vessels that catch 'choke species' (species for which they do not have quota, or for which their quota has been exceeded) must stop fishing (even for species for which they do have quota) and land their catch. This impacts disproportionately on smaller vessels that have more limited (or no) access to quota species. All of this makes for a complex, multifactorial system, organised by single species management, that does not reflect the multi-species, seasonal practices of small-scale, island fisheries.

Conclusion

Struggles over access to natural resources are rooted in the broader context of the democratic processes underpinning governance of those resources. Such struggles highlight the inclusions and exclusions that may result from boundaries drawn between citizens and territories/resources in the context of environmental governance. If dissensus is embraced as a source of change and new ideas, rather than rejected as an inconvenient interference with resource governance processes, these struggles also offer possibilities for social change towards more equitable, sustainable and inclusive futures.⁷ It is my view that the Island Fisheries (Heritage Licence) Bill, and the challenging debates and micro-politics that it is generating, are presenting opportunities for reimagining innovative governance approaches for sustainable, small-scale fisheries in the bays and coastal waters around Ireland's offshore islands.

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⁷ Nightingale, A. 2018. The socio-environmental state: political authority, subjects and transformative change in an uncertain world. *Environment and Planning E: Nature and Space*. 1(4) 688–711.

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