

# The National Fisheries Policy and Legislation: A Brief Overview

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# Constitutional Provisions

## 13<sup>th</sup> Amendment to the Constitution

- Fishing and fisheries beyond territorial waters in Reserved List
- Fisheries other than fishing beyond territorial waters in Concurrent List

# Development Policy

- *Mahinda Chintana* (2005) and *Mahinda Chintana Idiridekma* (2010): Measures to increase production
- Ten Year Development Policy Framework of the Fisheries and Aquatic Resources Sector 2007 – 2016: Vision, policy objectives, constraints and proposed policy measures
- Fisheries Sector Development Strategy 2010 – 2013: Specific objectives, targets, strategies

# Legislation

- Fisheries and Aquatic Resources Act, No. 2 of 1996 as amended by Acts, Nos. 4 of 2000, 4 of 2004 and 22 of 2006

To provide for the management, regulation, conservation and development of fisheries and aquatic resources in Sri Lanka

# Legislation (Contd.)

- Fisheries (Regulation of Foreign Fishing Boats) Act, No. 59 of 1979

To regulate, control and manage fishing and related activities by foreign boats in Sri Lanka waters

# IUU Fishing (Illegal Fishing)

- Engaging in prescribed fishing operations without license
- Use of unregistered fishing boats for fishing
- Use of poisonous, explosive or stupefying substances (including dynamite) for fishing
- Engaging in fishing operations, which have been prohibited (e.g. push-net, harpooning marine mammals)

# IUU Fishing (Illegal Fishing) Contd.

- Lobster fishing in contravention to the Lobster Fisheries Management Regulations
- Dredging or trawling operations for taking chank
- Landing of fins of shark or skate which are not attached to the bodies of such fish
- Landing of fish taken outside Sri Lanka waters by a boat not registered as a local fishing boat without a landing permit
- Etc.

# IUU Fishing (Unreported Fishing)

- Non reporting or misreporting of fish catch data - applicable to foreign fishing boats fishing outside Sri Lanka waters which are issued with fish landing permits to land fish at a port in Sri Lanka.  
(No legal requirement of reporting catch by local fishing boats)

# IUU Fishing (Unregulated Fishing)

No provisions in local fisheries laws against :

- Fishing in areas under management by Regional Fishery Management Organizations in contravention to management measures specified by respective RFMO
- Fishing in areas or for stocks in a manner inconsistent with responsibilities under the international law for conservation

# Major Gaps in Management Policy

- No policy for regular assessments of fish stocks, determination of the allowable catch, and adjusting of the fishing effort accordingly
- No policy for compelling fishing vessels to report fish catches after each fishing voyage
- No policy to exercise flag-state control over Sri Lankan fishing vessels fishing in high seas
- No policy to deter violation of fishing laws in other countries by Sri Lankan fishing vessels

# Recommendations for Major Legislation Changes

Fisheries laws should include provisions to:

- Execute international obligations in conservation and management of fisheries
- Require preparation and implementation of periodic fisheries management plans
- Make mandatory that all fishing vessels report fish catches after each fishing voyage
- Deter Sri Lankan fishing vessels from engaging in fishing in violation of fishing laws in other countries

# Other Recommendations

- Strengthen awareness of fishers on IUU fishing.
- Strengthen enforcement of fisheries laws and regulations.