

I-M Test Investigation Report

Matara and Negombo,

8th ,9th and 11th of November 2011.

Inspection Team:

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A project funded by



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Introduction

The importance of civil society involvement in natural resource management, such as forest management, is now accepted as a sound foundation for building a sustainable and secure resource base. This is also very much the case for present day fisheries, where many communities have been involved in small scale fisheries for generations but which are now faced with globally declining fish stocks. The need to fix harvest levels at rates that can be considered sustainable is intricately linked to the livelihood of the many millions of coastal fisher families. However it is now also a fact that the long-term need for a sustainable solution to over fishing is something that the fisheries sector will have to address.

The project 'Assessing and Developing the Role of Independent Monitoring by civil society to support good governance of the fisheries sector in Sri Lanka' is examining the potential impact of an independent monitoring program by civil society to help achieve sustainability in the sector. If appropriate an Independent Monitoring project will be proposed as a possible future direction for resource management in Sri Lanka.

The main objective of the approach is to increase civil society involvement to reduce and control the incidence of IUU fishing that is presently occurring. The methodology that will be used is derived from the REM FLEG (Forest Law Enforcement and Governance) monitoring programs that help reduce Illegal timber felling and trade in the Congo basin. The approach will be to examine the potential for collaboration that exists between the existing enforcement agencies such as the department of fisheries and the fisheries cooperatives and identify opportunities to enhance fisheries regulation through this collaboration.

The project, which is run with the permission of, and in cooperation with, the Ministry of fisheries and aquatic resources, Sri Lanka, (See Annex 1) is a pilot project which focuses on two of Sri Lanka's larger fish landing areas namely Negombo in the South west of the island and Matara ports located in the south of the Island. Both fisheries ports have been the primary suppliers of fish to the country over the period of the recent war, which destabilized fish supply from the northern posts of Trincomalee, Jaffna and Batticaloa.

This report will be shared with the ministry of fisheries and the DFAR to see what subsequent action needs to be taken to increase the application of the fisheries legislation in the region. This report will also be shared at CBO level to better understand the element of monitoring and reporting that may be required if a CBO IM approach is to be adopted.

Methodology

The methodology used for the investigation was a combination of field based interviews, questionnaires and random visits. At the outset of the investigation the group was briefed on project objectives and expectations of the investigation. The Program manager functioned as team leader during this test investigation. The investigations emphasis was on the legality of basic equipment and boats used during deep sea fishing activities. All investigated boats were selected randomly when anchored on site visit dates. All the boats tested were multiday ranging from 10 to 20 meters in length. Small scale canoes and OFRP were not considered in this investigation due to their low incidence in seasonal Tuna fishing.

The test investigations were carried out at two locations in the southern province, namely; Nilwella and Mirissa regional fisheries harbors both located in Matara district (figure 1). A third site assessed was the Negombo fisheries harbor located in Gampaha district of the Western Province.

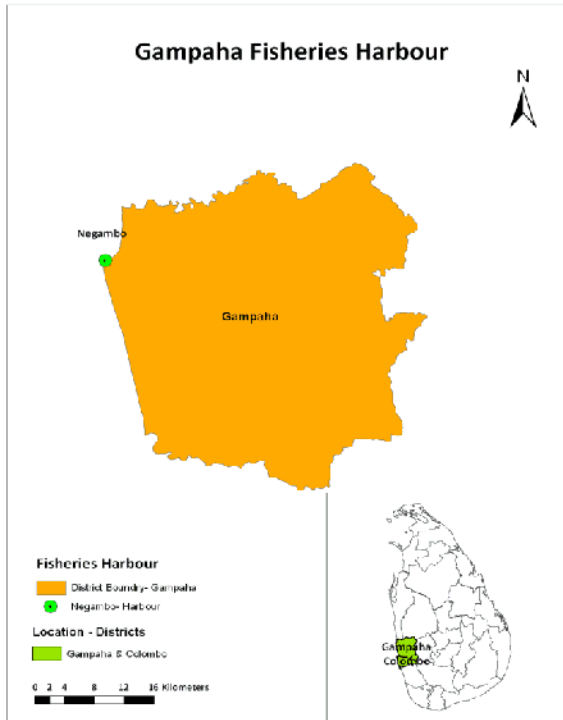


Figure 1: Location map of fisheries harbours in Gampaha district



Figure 1: Negombo fisheries harbor, note clear boat ID's

The larger Negombo - Gampaha fisheries harbor has two separate jetties, one monitored by the cooperative CBO and one governed by fisheries harbor corporation. The site has two fuel filling stations, an adequate water filling facility and one ice plant. Furthermore the Negombo

fish auction is run by the Negombo co-operative society servicing 60% of total boats landing at the CBO managed landing section.

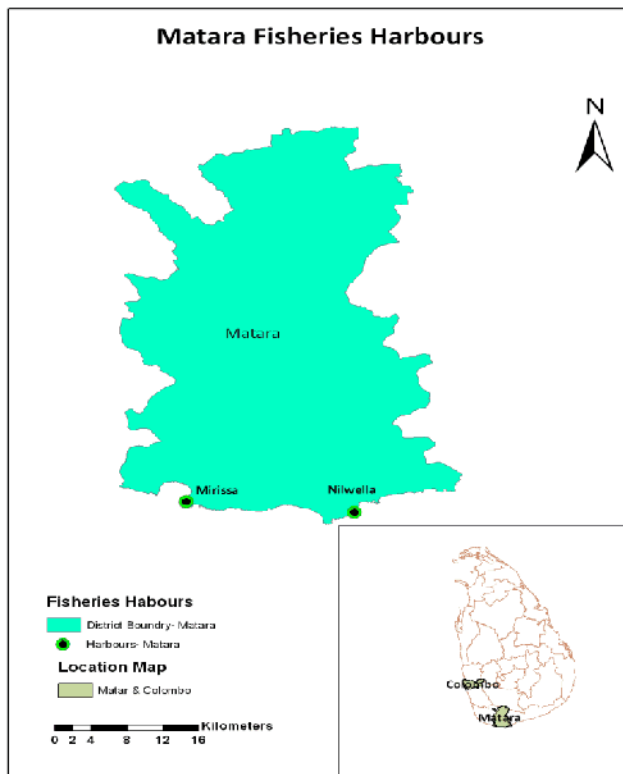


Figure 3 : Location map of fisheries harbours in Matara district



Figure 4 : Landed canoes at Mirissa harbor

The Mirissa port in Matara shares similar infrastructure such as Negombo however the port is fully managed by DFAR with little CBO involvement. Both the Mirissa and Negombo fisheries harbors are well developed in comparison with the more rural Nilwella fisheries harbor which is a basic fish landing site.

Table : Recorded Tuna landings selected ports, Sri Lanka

Harbor	District	Total catch 2010 (MT)	Tuna 2010 (MT)	% of total catch
Nilwella	Matara	2,360	1,744	73%
Mirissa	Matara	10,116	5,796	57%
Negombo	Gampaha	37,490	14,730	39%

Available landing data shows that tuna is a primary target species accounting for between 39% and 73% of the total fish catch (see Table 1).

The challenge of introducing independent monitoring is twofold, as both the monitoring entity and the entity being monitored has to feel comfortable with this action. In regards to this the IM team should be comprised of the district head from law enforcement department and monitoring officers (DFAR head and the Fisheries inspector) as well as the CBO representatives.

The team benefitted from the involvement of the institutional monitoring entity (DFAR) that the craft owners were used to. In addition to this involvement of civil society members was not seen as a threat by the officers of the DFAR due to their own presence.

The following sectors investigations presented in Table 2 were assessed. All observations were recorded to better assess the processes related to offshore fishing and actual regulations that existed in Sri Lanka.

In consideration of Offshore activity it is important to be able to verify a boats position during operations in order to control fishing effort targeted at different fish populations and ensure there is no conflict with zones allocated for other uses. Species catch data is important for recording what pressure might be being put on the different species, including protected or threatened species.

On craft the gear and boats was checked against the official records to determine if there was illegal gear present. The knowledge of the crews was also tested to see if they were aware of their legal obligations and best practice for preserving catch to reduce wastage and also of record keeping in accordance with established procedure.

Landing site observations were made to see if the catch was reported properly and if not to identify where the breakdown in the system was occurring. The regime of data collection by the officials was also monitored.

Table 1: Checklist to verify during the investigation

Process point	Assessment
Off shore	Ability to establish their geo-position
	Awareness of borders and demarcation
	Reasons for border non-compliance
	Common species caught
	Threatened species
	IUU actions observed
On craft	Boat and gear registration
	Presence of Illegal gear
	Awareness of National and International law
	Processing techniques on board
	Causes of fish wastage
	Recording of fish harvest
Landing site	Catch reporting
	Docking port
	Government inspection

Results

The following non-conformities with national and international legislation were identified during the investigation (See Annex 2 for detailed findings).

1. 10% of the multiday boats admitted to entering other countries EEZ with prior knowledge. Reasons given were that they were pursuing an abundance of fish in these areas. 100% of respondents were aware of legal boundaries and had equipment to geo-position.

Though the violating of other countries' EEZ is not illegal under Sri Lankan fisheries law it is punishable under the immigration law of Sri Lanka. Also this may be punishable under the laws of other countries and may lead to international sanctions against boats such as black listing which will have repercussions for illegal operators. However to facilitate the international agreements the government of Sri Lanka has taken a decision to sign agreements with boat owners to minimize the violations of other countries' EEZs. At the present DFAR signs agreements with every multiday boat owners to obtain confirmation from boat owners on existing fisheries laws and agreements. This agreement is useful for boat owners to understand legal background of fisheries policy and avoid non compliance issues due to a lack of awareness.

The investigation found that the Sri Lankan government had cancelled the license of two boat owners in Mirissa and Negombo which were declared as blacklisted by IOTC. The below picture shows an agreement signed by DFAR and boat owners ensuring the legal fishing.

3. Half of all boats investigated confirmed foreign boats entered Sri Lankan EEZ and this was more prominent in the Bay of Bengal (BOB) area and the Indian border area.

Under the Sri Lankan government regulation of fisheries (boat registration -fisheries act 1996) local and foreign boats are not allowed to fish without license issued by GoSL(DFAR). However under the fisheries act no.02 1996 there is a provision to issue license for foreign boats if Sri Lanka does not have enough capacity to catch fish in Sri Lankan water. The present situation of the Sri Lankan government is the non issuance of any license to foreign boats to fish in Sri Lankan waters. The fisher community indicated concern on the act of licensing foreign boats fearing the depletion of fish stock abundance in Sri Lankan waters.

The GoSL issues limited no. of licenses for fishing bottom dwellers only by scuba diving and have totally prohibited the use of trawlers (chank fisheries management regulation, 2003) to secure the existence of bottom dwelling species. Trawling for (demersal) bottom dwellers is completely restricted by the section 4 of FARA No.02 of 1996 of Sri Lanka. This also considered as IUU according to the FAO and IOTC agreements.

However during the investigation many fishers mentioned that after the ending of the civil war in the northern part of Sri Lanka many more incidences of Indian boats violating the Sri Lankan EEZ occurred. This case was highlighted by the reported presence of Indian trawlers that extract bottom dwelling fish species such as shells, shrimp and sea cucumbers.

According to the ministerial officers it has been confirmed that 47000 incidents of trawling for bottom dwellers in 2011 by Indian boats occurred in Sri Lanka's EEZ in last year.

4. Half of the crews had observed use of dynamite in Sri Lankan and international water by local and foreign boats in the past. However the present situation seemed to be better managed to reduce Dynamite fishing.

Local boats do not perform trawling top of the reef since they do not have mechanization capacity for it. DFAR stopped the issuance of trawling permits for local boats in order to reduce the impact on the sea bed. Unfortunately half of the fishermen mentioned that they had seen trawling on the reefs in Sri Lankan EEZ close to northern sea by Indian boats.

More than half of fishermen surveyed in Matara used to report such illegalities to the relevant authority on an Ad hoc basis. In 2011 representatives of the community had apprehended one boat engaged in dynamiting in the Nilwella area and DFAR has filed a complaint against the boat at court and still it is in progress. It has been technically proven by the University of Ruhuna on the use of dynamite in Nilwella.

Both Indian and Sri Lankan governments have initiated inter governmental discussions to minimize the fishing disputes by fishers of both countries.

5. A few boats surveyed were not yet registered however registration is free of charge, so it could be surmised that the legal need to register boats was not clearly understood by some.

6.25% of boats used controversial purse seine nets, which was not illegal according to the fisheries act.

Though this is legal fishing gear under fisheries law of Sri Lanka, civil society representatives and other relevant authorities regularly protest against the use of purse seine gears

explaining its negative effect on fish stocks due to catching of immature and juvenile fish. As a preventive measure the government of Sri Lanka planned to limit the number of permits issued for purse seines and also to limit purse seine gear that has appropriate mesh sizes that target only mature fish.

Advisors and scientists believe that proposing the minimum net size for purse seine can achieve more sustainable fish stocks. Then purse seine can be licensed under the fishing operations carried out by surrounding nets which is regulated by the fisheries regulations (Section 6 of FARA and Fishing Operations Regulations of 1996 published in Gazette, No. 948/25 of 07-11-1996) made under the act No.2 of 1996.

As confirmed by boats during the investigation, the use of purse seine gear is very common in southern Sri Lanka's water.

7. 0% of craft recorded fish catch in government provided formats.

This is due to a number of reasons

1. Fishermen are not clear about the importance of fish catch recording to derive sustainable catch levels.
2. The monitoring of catch levels of each and every boat in a particular area is not manageable by one officer because of large numbers of boats, all these boats are not landed at same landing site and time of landing is unpredictable.
3. Boat owners and fishermen fear, that the provision of catch log books as an initial step of governments to introduce tax on their income and therefore they avoid recording fish catch in government log book. However according to the inland revenue regulations of 2011, income earned by boat owners is exempt from income taxes for a five years period starting from 1st April 2011.
4. Government provided log books complicated and it is not user friendly. On the other hand it will not provide required data for estimating sustainable catch levels.

8. Only 50% of investigated craft which are in Negombo reported their exportable grade catch to the responsible authorities and this authority was mainly the local CBO.

According to fisheries act, there is no legislative requirement to report fish catch by local boats to relevant authorities. However export regulations state that reporting is essential for certification purposes. Therefore there is a requirement that could be built upon to improve the harbor cooperation and landing site reporting procedures.

At some landing center sit was noted that the harbor corporation charges a small fee for providing harbor facility for boats based on catch levels.

In the case of foreign vessels which are landed in Sri Lanka. All foreign vessels legally bound to report the fish catch to the government according to the Landing of Fish Regulations, 1997 published in Gazette 972/4 of 21 April 1997.

Non-Compliances identified:

1. A few crew responses revealed that potential contravention of the fisheries act could take place in regards to marine Mammals and Turtles. However, no first hand sightings of these infractions were made.

Legal impacts

a) Sri Lanka Fisheries act: No person shall catch, land, transport, sell, buy, receive or have in his possession any marine mammals or turtles.

As found in the investigation, Tuna fishing boats which are operated in deep sea usually do not bring the marine mammals and turtles to landing centers which are monitored by the authorities. If they caught those species as by catch, discard or release them to the sea.

However the interviewed fishers confirmed that few small boats which are operated in North West and North East area land the marine turtle for consumption.

b) IOTC resolution 09/06 on marine turtles.

Turtle by catch in Sri Lanka is one of the issues in regards to the IOTC resolution 09/06.

2. A number of boats were observed not to have met the requirement of national registration.

Use of a fishing boat that has not been registered as a fishing boat by DG for fishing in Sri Lanka waters (Section 15 of FARA and the Registration of Fishing Boats Regulations, 1980 published in Gazette, No. 109 of 10 March 1980).

Penalty: Fine not less than Rs. 2000

In the investigation, 6 boats were identified as boats operated without license. But Navy officers regularly check the boats at landing sites before they go to sea and if a boat has no license, Navy does not allow them to go to the sea. A representative of DFAR confirmed that they sent letters to boat owners who did not renew their boat license and only 4 boat owners had responded to them. Again he said that DFAR had taken legal actions against the rest and two boats were fined at the court. A few cases are still in progress at courts.

a) The Fisheries Act states that, "No person shall engage in, or cause any other person to engage in, any fishing operation specified in Part I of the schedule here to, in the sea, estuaries or coastal lagoons of Sri Lanka except under the authority of a license issued under these regulations and otherwise than in accordance with the terms and conditions attached to such license.

b) RESOLUTION 10/03

Recording the catch record of Vessels.

There is no legal requirement to report fish catch to government by local boats however foreign boats land in Sri Lanka should report the fish catch to the government.

c) RESOLUTION 10/08

Recording of the active boats engaged in Tuna and Swordfish fishing.

According to the data requirement of IOTC, tuna catching boats had been reported by government. The government officers confirmed 3030 boats that were engaged in Tuna fishing in deep sea.

Conclusions

As information collected and observations during investigations revealed, over half of those surveyed had observed widespread illegalities in the fisheries with little law enforcement activity taking place to correct this situation. These illegal fisheries are operated by both Sri Lankan based/registered boats and by other flag state vessels operating in Sri Lankan waters.

There is a high level of awareness and knowledge of the fisheries legislation and most vessels are capable of locating their position at sea to avoid fishing out of their zone. So that there is no surveillance of vessel locations at sea by the administration therefore the law is not enforced when illegalities occur.

For the purpose of combating the situation, MFAR has planned to establish proper VMS (Vessel Monitoring System) to enhance management of local boats in Sri Lankan water. This is expected to lead to reduced illegal entry to the other countries' EEZs.

Catch recording data is not demanded by the administration and the normal practice is not to provide it this should be examined and improved.

Recommendations

Based on the findings and conclusions of the work undertaken it is recommended that the appropriate partners:

1. Initiate actions to collect accurate catch and by-catch data as soon as possible.

As investigation found, many fishermen maintain a simple record of the fish catch for their purposes but not one boat maintained the format provided by DFAR. To initiate the collection of catch data there should be good understanding of fishermen and boat owners regarding the importance of catch recording. Secondly the introduction of more simple recording formats maintained by fishermen and will help authorities to get considerable output. If authorities assure the safety of fishermen, fisher groups agreed to provide the details of by catch to relevant authorities.

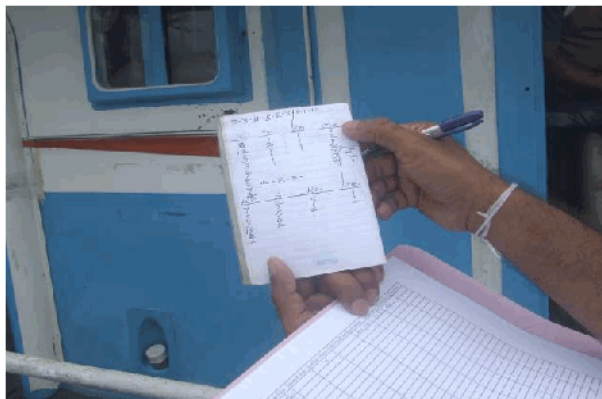


Figure 8: Data entry system and data entry book managed by fishers

2. Increase awareness of the Fisheries Act at and other legal frame work at landing sites and also the key ideas of fisheries management theory such as maximum sustainable yield and other management tools. This action should be presented in to context of the need for accurate catch and by-catch data to improve collaboration with fisher folk and other CBOs in the sector. This could be achieved through joint presentations and discussions between DFAR, NARA the Fisheries Cooperatives and facilitating NGOs such as RRI and REM.
3. Apply the appropriate sanctions on boats and boat owners that do not follow national registration process.
4. Support a process of data gathering from Sri Lankan fisher folk to better inform the government of the illegal fishing operations in Sri Lankan waters.

Annexes

Annex 1: Permission letter received from MFAR

Annex 2 :Table presenting the boats surveyed during the mission

Annex 3: Investigation summary sheet

Annex 1 :



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கடற்றொழில், நீரியல் வளங்கள் அபிவிருத்தி அமைச்சு
Ministry of Fisheries & Aquatic Resources Development

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எனது இல
My No. 1/15/10(Vol-VII)

ඔබේ අංකය
உமது இல
Your No.

දිනය
திகதி
Date 20.06.2011

Managing Director
Rainforest Rescue International
169, Matara Road,
Magalle
Galle

Dear Sir

Re: Assessing and developing the role of independent monitoring by civil society to support good governance of fisheries sector in Sri Lanka

This refers to your letter dated 22nd February 2011 on the above subject.

We appreciate your efforts to implement this Project covering the fisheries sector. Considering the objectives of the Project, the selected sites are appropriate to reach the target Stakeholders. Therefore it is recommended to grant approval to implement the Project subject to following conditions;

- 1.Any alteration or modification of the project should be communication to this Ministry at the appropriate time.
- 2.Other relevant approvals from relevant Institutions should be obtained prior to the implementation of the project.
- 3.The proposed project should be implemented only in Gampaha & Matara District.
- 4.The outcome of the implementation should be reported to this ministry to enabling to assess the results.

Yours sincerely

Indra Ranasinghe
Director General (Technical)
For Secretary
Ministry of Fisheries & Aquatic Resources

Annex 2:

No	District	Landing site	Boat no.
1	Matara	Mirissa	IMULA 0553 MTR
2	Matara	Mirissa	IMULA 0072 MTR
3	Matara	Mirissa	IMULA 1113 MTR
4	Matara	Mirissa	IMULA 0103 MTR
5	Matara	Mirissa	IMULA 1099 MTR
6	Matara	Mirissa	IMULA 0030 MTR
7	Matara	Mirissa	IMULA 0604 MTR
8	Matara	Mirissa	IMULA 0104 MTR
9	Matara	Mirissa	IMULA 0022 MTR
10	Matara	Mirissa	IMULA 0130 MTR
11	Matara	Mirissa	IMULA 0070 MTR
12	Matara	Mirissa	IMULA 0023 MTR
13	Matara	Mirissa	IMULA 0039 MTR
14	Matara	Mirissa	IMULA 2291 MTR
15	Matara	Mirissa	IMULA 0072 MTR
16	Matara	Mirissa	IMULA 0079 MTR
17	Matara	Nilwella	IMULA 0815 MTR
18	Matara	Nilwella	IMULA 0892 MTR
19	Matara	Nilwella	IMULA 0891 MTR
20	Matara	Nilwella	IMULA 0648 MTR
21	Matara	Nilwella	IMULA 0027 MTR
22	Matara	Nilwella	IMULA 0613 MTR
23	Matara	Nilwella	IMULA 0041 MTR
24	Matara	Nilwella	IMULA 0118 MTR
25	Matara	Nilwella	IMULA 0082 MTR
26	Matara	Nilwella	IMULA 0523 MTR
27	Matara	Nilwella	IMULA 0606 MTR
28	Matara	Nilwella	IMULA 0608MTR
29	Matara	Nilwella	IMULA 0612 MTR
30	Matara	Nilwella	IMULA 0614 MTR
31	Matara	Nilwella	IMULA 0621 MTR
32	Matara	Nilwella	IMULA 0624 MTR

33	Matara	Nilwella	IMULA 0610 MTR
34	Matara	Nilwella	IMULA 0625 MTR
35	Matara	Nilwella	IMULA 0619 MTR
36	Matara	Nilwella	IMULA 0628 MTR
37	Gampha	Negombo	IMULA 0481 CH
38	Gampha	Negombo	IMULA 0299 NBO
39	Gampha	Negombo	IMULA 0101 NBO
40	Gampha	Negombo	IMULA 0017 NBO
41	Gampha	Negombo	IMULA 0037 NBO
42	Gampha	Negombo	IMULA 0857 NBO
43	Gampha	Negombo	IMULA 0229 NBO
44	Gampha	Negombo	IMULA 0539 NBO
45	Gampha	Negombo	IMULA 0457 NBO
46	Gampha	Negombo	IMULA 0285 NBO
47	Gampha	Negombo	IMULA 0555 NBO
48	Gampha	Negombo	IMULA 0011 NBO
49	Gampha	Negombo	IMULA 0297 CH
50	Gampha	Negombo	IMULA 0535NBO
51	Gampha	Negombo	IMULA 0250 NBO
52	Gampha	Negombo	IMULA 0275 NBO
53	Gampha	Negombo	IMULA 0252NBO
54	Gampha	Negombo	IMULA 0239 NBO
55	Gampha	Negombo	IMULA 0219 NBO
56	Gampha	Negombo	IMULA 0564 NBO
57	Gampha	Negombo	IMULA 0522 NBO
58	Gampha	Negombo	IMULA 0479 NBO
59	Gampha	Negombo	IMULA 0598 NBO
60	Gampha	Negombo	IMULA 0603 NBO
61	Gampha	Negombo	IMULA 0612 NBO
62	Gampha	Negombo	IMULA 0049 NBO
63	Gampha	Negombo	IMULA 0608 NBO
64	Gampha	Negombo	IMULA 0052 NBO
65	Gampha	Negombo	IMULA 0713 NBO

66	Gampha	Negombo	IMULA 0005 NBO
67	Gampha	Negombo	IMULA 0052 NBO
68	Gampha	Negombo	IMULA 0590 NBO
69	Gampha	Negombo	IMULA 0543 NBO
70	Gampha	Negombo	IMULA 0139 NBO
71	Gampha	Negombo	IMULA 0287 NBO

Annex 3 : Summary of Investigation findings

No	Fact	District		
		Matara		Gampaha
		Mirissa	Nilwella	Negombo
1	No. of boats observed	16	20	35
2	Identification of location			
a	Compass	16	20	35
b	GPS	16	20	35
c	Radio message	16	20	35
3	Fishing area			
a	Within EEZ	16	20	35
b	International water	15	20	35
4	Violating EEZ because of			
a	Fish abundance	6	0	0
b	Sea currents	0	0	0
c	Accidental	0	0	0
5	Awareness on legal boundaries			
a	Yes	16	20	35
6	Most common tune spp. in fish catch			
a	Skipjack	16	18	16
b	Yellow fin	16	17	32
b	Sword fish	16	7	29
6	Threatened spp. in fish catch			
a	Dolphin	16	18	22
b	Turtle	16	14	16
c	Whales	6	4	0
d	Other	0	17	1
7	Incidence of by catch			
a	Dolphin	16	18	16
b	Whales	5	3	4
c	Russel scad	12	19	3
d	Queen fish	0	6	9
e	Turtle	16	14	8
8	Dealing with by catch			
a	Dump in to sea	16	20	16

b	Drying	11	1	0
c	Release	16	20	8
9	Poaching by foreign boats in SL EEZ	5	16	29
a	Bay of Bengal area	5	20	18
b	Indian boarder	0	0	23
c	Poaching by trawling on reef	0	0	17
10	Incidence of using illegal fishing techniques			
a	Trawling on reef	0	0	35
b	Dynamite	0	8	0
c	Purse seine	16	20	0
11	Registration at CBO	16	20	35
12	Boat registration	10	20	35
13	Gear registration	10	20	35
14	Types of gears used			
a	Net	16	20	15
b	Lone line	16	20	35
c	Purse seine	5	11	0
15	Types of gears registered			
a	Net	10	10	0
b	Lone line	20	20	0
c	Purse seine	15	35	0
16	Illegal & controversial fisheries			
a	Purse seine	5	10	0
b	Gillnets on reef	0	0	0
c	Trawling	0	0	0
17	Knowledge on International laws			
a	EEZ	16	20	35
b	Boat & gear registration	16	20	35
c	IOTC - IUU	0	0	0
18	Recording of fish catch			
a	Log book - government	0	0	0
b	Log book - Personal	16	20	35
19	Data recorded			
a	Species	16	20	35
b	No. of fish	16	20	35
c	Weight of fish	0	0	0

20	Reporting fish catch at landing to			
a	Boat owner	16	20	35
b	Buyer	16	20	35
c	CBO	0	0	13
d	Government	0	0	22