The National Fisheries Policy and Legislation: A Brief Overview

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13th 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

- 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.