

Building Sri Lankan fisheries enforcement capacity and harmonisation of fisheries policy with international commitments:

Introduction

Sri Lanka is a small island nation located in the Indian Ocean with 1,730 Km of shoreline with a growing population of 24 million. In the past thirty years the island has had a depressed fisheries sector, which was affected by the ongoing civil war in the North and East of the country. The ending of the civil war has led to calls for enhanced fisheries in the country. Coastal Sri Lanka has total fishing households of 139,630 with nearly 700,000 people dependent upon the fisheries sector (Statistical Unit, MFAR, 2009). The fisheries sector is now regarded as an important protein supplier to the population of Sri Lanka. However ever increasing international demand for fish and marine products has resulted in more fisheries activity for export trade taking place in recent years.

The total marine sector fish production was recorded as 293,170 Mt. in 2009. The annual per capita fish consumption in Sri Lanka is 16.7kg per year (MFAR statistics, 2009). The government policy is to increase this annual per capita fish consumption and double fish exports (MFAR development plan 2007). To meet these targets government has planned to double the total fish production, which is now 320,000 Mt. per year (Anon, 2011).

The development of a fishery should always be combined with the proper management of the fish resource (FAO, 1995) to minimize the depletion of fish stocks due to unplanned exploitation. This presupposes the need for good management measures, such as defining conservation zones, declaration of marine parks, introducing catch restrictions, regulating of mesh sizes of nets, closed seasons etc. During the past 100 years or so, various governments have enacted many rules and regulations from time to time in order to facilitate the implementation of fisheries actions and the exploitation of fish resources.

Fisheries legislation in Sri Lanka dates back to the end of last century and consists of an assortment of laws such as the enabling village communities Ordinance – 1889, Local Boards Ordinance- 1898, Game Protection Ordinance 1909, Local Government's Ordinance 1920 and finally and most importantly the Fisheries Ordinance- 1940. The Fisheries Ordinance was drawn up in 1940 when the limits of Sri Lanka's jurisdictional waters were set at three nautical miles and the local fishing operations were primarily artisanal (Compendium of fisheries legislation in Sri Lanka, 1998).

With the declaration of a 200 mile EEZ in 1977, and plans for the development of the local fisheries industry to take advantage of the opportunities offered by the new zone certain major revisions to the existing ordinance became essential. Fishing Boats Regulation- 1978, Registration of Fishing Boat Regulation 1980, Beach Seine Regulation-1994, Purse Seine net Fishing Regulation- 1986, Fisheries

and aquatic Resource Act No.2 of 1996 and the Fishing Boat Operation Regulation 1996 are some of the important regulations made since 1977.

The United Nation Convention on the Law of the Sea (UNCLOS) was adopted on the 10th of December 1982 in Montego Bay, Jamaica involving participation by more than 150 countries representing all regions of the world, all legal and political systems, all degrees of socio- economic development, archipelagic States, island States and land-locked States (United Nations 1996). A total of 145 countries has ratified or acceded to UNCLOS as of 12 February 2004 (United Nation, 2004). Sri Lanka ratified UNCLOS on the 19th July 1994.

The FAO Committee on Fisheries at its 19th Session held in 1991 agreed that new concepts leading to responsible fisheries are required to conserve and manage fish resources. This requirement was reiterated at the International Conference on Responsible fishing in Cancun (Mexico) in May 1992, and the United Nations Conference on Environment and Development held in Rio de Janeiro (Brazil) in June 1992. FAO is expected to monitor the implementation of the code by member countries, and assist member countries, particularly developing countries to implement the Code.

To address specific conservation and management issues that have been identified by the international community as problems needing urgent attention, FAO has developed International Plan of Action (IPOAs) within the framework of the Code of Conduct of Responsible Fisheries. The four IPOAs individually address the following issues (FAO 1999, 2001).

- Reducing incidental catch of seabirds in long line fisheries (IPOA – Sea birds)
- Conservation and management of sharks (IPOA- sharks)
- Management of fishing capacity (IPOA- Fishing capacity)
- Prevention, deterrence and elimination of illegal, unreported and unregulated fishing (IPOA- IUU Fishing).

IUU fishing was defined by the FAO (Annex I) as well as the IOTC (Annex II) and Sri Lanka ratified the IOTC agreement which includes taking action against IUU fishing activities.

The present project IM-FiLEG is examining civil society based fisheries monitoring systems and their potential to overcome the challenges of IUU fishing in Sri Lanka. This DIFID funded project is also expected to enhance fisher's income generation; governance and fisheries sector development by avoiding IUU and unsustainable fishing methods. The project goals also expect to help Sri Lanka meet the millennium development goals such as goal No.7 to ensure environmental sustainability.

Background to action

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 very much the case for present day fisheries, where many communities have been involved in small scale fisheries for generations but 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 is one that the fisher sector will have to address.

The IM FiLEG project ‘Assessing and developing the role of independent monitoring by civil society to support good governance of the fisheries sector in Sri Lanka’ has attempted to examine the potential impact of an independent monitoring program by civil society. The project which was implemented by Resource Extraction Monitor and Rainforest Rescue International was funded and supported by DFID.

The main objective of the approach was to use civil society involvement to reduce and control the incidence of IUU fishing that is presently occurring. The methodology that was used was derived from the REM FLEG monitoring programs that help reduce Illegal timber felling and trade in the Congo basin. The approach was used to examine the potential for collaboration that exists between the traditional enforcement agencies such as the department of fisheries and the fisheries cooperatives and identify opportunities to enhance fisheries regulation by this collaboration.

The project is run in cooperation with the department of fisheries and aquatic resources Sri Lanka and 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 ports of Trincomalee, Jaffna and Batticaloa.

The current proposal is based on work carried out over the last 18 months by RRI and REM and builds on the conclusion of that work and its main findings.

Objectives

To make progress in three areas of fisheries sector:

- 1) Management –to improve consistency and coordination within selected areas of fisheries policy and law, including at the provincial level.
- 2) IUU fishing in Sri Lankan waters – to help create a better monitor and report system on IUU fishing by foreign vessels in Sri Lankan Waters.
- 3) IUU fishing outside Sri Lankan water – to better inform fishers of international obligations and support mechanisms of control.

Actors

The Ministry of fisheries: Information may be forwarded to the Central Ministry via the provincial Ministry, informing it of the results of the reading committee meetings, highlighting enforcement actions that have been taken at the Provincial level by the administration and others. The rapporteur may also communicate suggested enforcement and policy actions to the central government. Data generated by the monitoring operations may also be of use to research and management bodies such as NARA.

The Provincial Ministry of Fisheries: Support will be provided to the Provincial Ministry to establish a forum for a range of stakeholders to meet and discuss IUU fishing activities that have been identified through the monitoring initiatives mentioned below. The forum may include representatives of the provincial administration. The forum, sometimes called a Reading Committee, could meet once every 2 months and receive and provide information on fisheries enforcement to all stakeholders.

This activity will be provided in a broader context of a support programme to help selected provinces begin to develop a provincial level fisheries policy as previewed in the 1996 Act

The Fisheries cooperatives: Coastal Zone: Awareness raising of the laws regulating coastal zone fishing and establishing systematic reporting mechanisms of coastal zones fishing activity, including dynamite and moxi net fishing etc. Concepts of management and interactions between coastal and off shore fishing.

Rainforest Rescue International : The role of RRI in the project is to create the project structure in country and take the lead in finding funding, bring the actors together and facilitate the process of project implementation. This will include exploring further the potential to work with the Marine Stewardship Council and supporting organisations in Sri Lanka. Promoting best practice in the sector and supporting sustainable economic growth.

Fisheries sectors in Northern Indian Ocean countries: India, Maldives, Seychelles, Bangladesh and Pakistan

Outcomes and Activities

The following is a list of some of the types of outcomes envisaged to help meet the project objectives:

Outcome 1. Improved exchange of information on fisheries management and law enforcement activities between communities, local and national government and international bodies concerned with fisheries (e.g. IOTC, European Commission)

1.1 By developing and leaning from a longer term (1 year) pilot civil society based monitoring and governance program in Matara or Negombo under the purview of the DFAR and MFAR. To address IUU fishing and better management of stocks through data collection.

1.2 Create a cooperative based communication mechanism which will help share and support civil society to integrate policy.

Outcome 2. Improved quantity and quality of data in IUU activities by training fishers in monitoring and reporting illegal activities by non-Sri Lankan vessels within the Sri Lankan EEZ

2.1 Develop an observer program for Sri Lanka to meet IOTC obligations by collaborating with the fisheries cooperatives and the national federation of Fisheries cooperatives to create a greater awareness of what illegalities are and what Sri Lanka's international obligations are and what the consequences might be if they are not respected.

2.2 Create a platform for sharing international regulations with MFAR to improve civil society sustainability issues.

Outcome 3. Improved exchange and dialogue with the other countries overseas e.g. in India, whose members may be participating in illegal activities in Sri Lankan waters

3.1 In coordination with government activities, to support a Northern Indian Ocean regional Fisheries platform to support and enhance fisheries related dialogue.

3.2 Develop a Sri Lanka based IUU monitoring program with a vessel data base to help record international vessels that may be engaged in IUU fishing.

Outcome 4. Enhanced and complimentary national fisheries policy with the provincial level policy to better manage and value the fisheries resources in a selected province

4.1 Support and fund a policy improvement process at provincial level with civil society participation to improve and develop policy.

Outcome 5. Harmonisation of national legislation with internationally agreed commitments

5.1 Support the Sri Lanka government to address needs in legislation harmonization by involving internationally recognised fisheries policy specialists in policy improvement process

Duration and Funding

The project is expected to have a duration of 2 years and operate with a budget of approximately 200,000 pounds. Funds will be sought by RRI in partnership with REM.