



**SRI LANKA NATIONAL PLAN OF ACTION TO PREVENT,  
DETER AND ELIMINATE ILLEGAL, UNREPORTED AND  
UNREGULATED FISHING**

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## ABBREVIATIONS

CFHC	Ceylon Fishery Harbours Corporation
Code	FAO Code of Conduct for Responsible Fisheries
DFAR	Department of Fisheries and Aquatic Resources
DG	Director General of DFAR
EEZ	Exclusive economic zone
FARA	Fisheries and Aquatic Resources Act, No 2 of 1996
FAO	Food and Agriculture Organization of the United Nations
FFBA	Fisheries (Regulation of Foreign Fishing Boats) Act, No 59 of 1979
FMCC	Fisheries Management Coordinating Committee
FMD	Fisheries Management Division of DFAR
GDP	Gross domestic product
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate IUU Fishing
IOTC	Indian Ocean Tuna Commission
IUU fishing	Illegal, unreported and unregulated fishing
MCS	Monitoring, control and surveillance
NARA	National Aquatic Resources Research and Development Agency
RFMO	Regional fisheries management organization
SLC	Sri Lanka Customs
SLCG	Sri Lanka Coast Guard
SLN	Sri Lanka Navy
SLNPOA-IUU	Sri Lanka National Plan of Action to Prevent, Deter and Eliminate IUU Fishing
SMFARD	Secretary to the Ministry of Fisheries and Aquatic Resources Development
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel monitoring system
WTO	World Trade Organization

## **EXECUTIVE SUMMARY**

The fisheries industry of Sri Lanka contributes significantly to the nutrition, employment and food security, foreign exchange earnings, and government revenue of the country, and therefore its sustainability has become a primary concern in the economic development of the country. Sri Lanka perceives illegal, unreported and unregulated fishing (IUU fishing) as a serious threat to the sustainability of the fisheries in both national jurisdictions and high seas, and agrees that such fishing has to be prevented, deterred and eliminated. Towards this end, Sri Lanka has adopted a number of measures in conformity with the national and international law and is in the process of taking further action. Sri Lanka is also committed to co-operate with other States, both directly and through the Indian Ocean Tuna Commission (IOTC) and where necessary through other the Regional Fisheries Management Organization, to prevent, deter and eliminate IUU fishing.

This document, which is titled the Sri Lanka National Plan of Action to Prevent, Deter and Eliminate IUU Fishing (SLNPOA-IUU) contains measures that are being implemented and those proposed to be adopted for implementation to combat IUU fishing activities conducted by local fishing boats in Sri Lanka waters, waters of national jurisdictions of other coastal States, and high seas, and by foreign fishing boats in Sri Lanka waters. It has been prepared in accordance with the guidelines given by the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU) adopted by the FAO.

Fisheries of Sri Lanka are governed by the Fisheries and Aquatic Resources Act (FARA), provisions of which are administered by the Department of Fisheries and Aquatic Resources (DFAR). FARA does not include provisions to implement measures, which are needed to combat IUU fishing activities conducted by local fishing boats in high-seas and waters in national jurisdictions of other States. Action has now been initiated to incorporate provisions in FARA that enable DFAR to control fishing activities conducted by local fishing boats in high seas and national jurisdictions of other coastal States, and thereby combat IUU fishing activities conducted by local fishing boats outside Sri Lanka waters. Till such legal provisions are incorporated in the FARA, DFAR has initiated implementing measures required to control fishing activities conducted by local fishing boats outside Sri Lanka waters through administrative procedures.

Sri Lanka has become a party to the United Nations Convention on the Law of the Sea, the UN Fish Stocks Agreement and the FAO Port State Measures Agreement. The country has also become a member of IOTC. It is now in the process of acceding to the FAO Compliance Agreement. Sri Lanka will implement measures against IUU fishing directly through the fisheries management mechanism that has been established by the Government or in co-operation with other coastal States or indirectly through the IOTC or FAO by providing the necessary support including information as appropriate.

SLNPOA-IUU covers all marine capture fisheries within Sri Lanka waters and outside, and includes an integrated approach involving Coastal State measures, Flag State measures, Port State measures and Market State measures where applicable. All local stakeholders that include Fishing Boat Owners,

Fishing Boat Skippers and Fishers, Fish Traders and Exporters, Fisheries Managers, Fisheries Law Enforcement Officials, Fisheries Researchers and NGOs have been made aware of the SLNPOA-IUU.

SLNPOA-IUU ensures that measures against IUU fishing are consistent with the conservation and sustainability of fisheries resources and protection of the marine environment. Development of SLNPOA-IUU has been done in consultation with all local Stakeholders that include Fishing Boat Owners, Fishing Boat Skippers and Fishers, Fish Traders and Exporters, Fisheries Managers, Fisheries Law Enforcement Officials, Fisheries Researchers and NGOs. Decision-making in its implementation will be done in a transparent manner. Implementation of the SLNPOA-IUU will be done without any discrimination against any individual, any local or foreign fishing boat or any State.

SLNPOA-IUU gives effect to the relevant provisions of the IPOA-IUU. Most provisions of the SLNPOA-IUU are legally binding as they are based on provisions of the national legislation. As mentioned earlier, the process to incorporate other provisions of SLNPOA-IUU into the national legislation has now been commenced. Accordingly SLNPOA-IUU will serve as an integral part of the National Fisheries Management Regime. Budgetary provisions will be made annually from the national budget for its implementation. Implementation of the SLNPOA-IUU will be coordinated by the Fisheries Management Division of the DFAR, which is the Division of DFAR, which is entrusted with management of fisheries.

Sri Lanka is willing to cooperate with other States by entering into appropriate agreements or arrangements or by other possible means for the enforcement of applicable laws and conservation and management measures adopted at the National, Regional and Global levels to combat IUU fishing. If another State requests. Sri Lanka's assistance in deterring trade in fish and fish products harvested illegally in the jurisdiction of that State, Sri Lanka will provide possible assistance in accordance with the terms agreed and the International Law.

Sri Lanka will submit reports to FAO on progress of implementation of the SLPOA-IUU as part of the biennial reporting on implementation of the Code of Conduct for Responsible Fisheries.

## 1. INTRODUCTION

1. The development policy framework document of the Government of Sri Lanka - Sri Lanka, the Emerging Wonder of Asia *Mahinda Chintana* Vision for the Future - mentions in its section on fisheries and aquatic resources (page 23) that the fisheries development policy aims at exploiting the country's fisheries and aquatic resources in a sustainable manner while conserving the coastal environment (Department of National Planning, 2010 ([www.treasury.gov.lk/publications](http://www.treasury.gov.lk/publications))). The fisheries industry of Sri Lanka contributes significantly to the nutrition, employment and food security, foreign exchange earnings, and government revenue, and therefore its sustainability should be a primary concern in economic development of the country. On an average 1.7 % of the GDP comes from fisheries. The total number of persons employed in the industry both directly and indirectly is over 600,000. The national fish production in 2012 was 486, 170 MT, comprising 417,220 MT of marine fish and 68,950 MT of Inland fish. The amount earned annually in foreign exchange by exporting fish and other fishery products has exceeded LKR 25,000 million. In 2012, Sri Lanka has exported an amount of 18,631 MT of processed fishery products (estimated wet whole-fish equivalent 28,000 MT) comprising mainly of tuna and other large pelagic fish, and shrimp, crab and lobster at a value of LKR 26,363 million. The same year Sri Lanka has imported a total of 71,413 MT of fishery products (estimated wet whole-fish equivalent 143,000 MT) comprising mainly dried fish, dried sprats (anchovies) Maldivian fish and canned fish at a value of LKR 17,401 million. Fish contributes over 70 percent to the animal protein intake of the people of Sri Lanka.

2. Sri Lanka perceives illegal, unreported and unregulated (IUU) fishing as a serious threat to the sustainability of fisheries in both national jurisdictions and high seas, and agrees that such fishing has to be prevented, deterred and eliminated. Towards this end, Sri Lanka has adopted a number of measures in conformity with the national and international law and is in the process of taking further action. Sri Lanka is also committed to co-operate with other States both directly and through the Indian Ocean Tuna Commission (IOTC), and where necessary through other Regional Fisheries Management Organizations, to prevent, deter and eliminate IUU fishing.

3. This document, which is titled the Sri Lanka National Plan of Action to Prevent, Deter and Eliminate IUU Fishing (SLNPOA-IUU) contains measures that are being implemented and those proposed to be adopted for implementation to combat IUU fishing activities conducted by local fishing boats in Sri Lanka waters, and waters of national jurisdictions of other coastal States and high-seas, and by foreign fishing boats in Sri Lanka waters. It has been prepared in accordance with the guidelines stipulated in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) adopted by the Food and Agriculture Organization of the United Nations (FAO) (FAO, 2001).

4. Fisheries of Sri Lanka are governed by Fisheries and Aquatic Resources Act, No. 2 of 1996 as amended by Acts No. 4 of 2000, 4 of 2004 and 22 of 2006 (FARA), provisions of which are administered by the Department of Fisheries and Aquatic Resources (DFAR). FARA does not include provisions to implement measures, which are needed to combat IUU fishing activities of local fishing boats in high-seas and waters in national jurisdictions of other States. Action has now been initiated to incorporate provisions in FARA that enable DFAR to control fishing activities conducted by local fishing boats in high seas and national jurisdictions of other coastal States, and thereby prevent and deter local fishing

boats from engaging in IUU fishing activities outside Sri Lanka waters. Till such legal provisions are incorporated into FARA, DFAR has initiated implementing measures required to control fishing activities conducted by local fishing boats outside Sri Lanka waters through administrative procedures.

## 2. NATURE AND SCOPE OF SLNPOA-IUU

5. SLNPOA-IUU is to be implemented as an integral part of the Sri Lanka National Fisheries and Aquatic Resources Management Plan. The main responsibility of its implementation lies with the DFAR. Sri Lanka Navy (SLN), Sri Lanka Coast Guard (SLCG), Ceylon Fishery Harbours Corporation (CFHC), National Aquatic Resources Research and Development Agency (NARA), and Sri Lanka Customs (SLC) also have major roles to play in its implementation. Resources required for its implementation are allocated in the National Budget. A coordinating committee comprising representatives of the respective organizations under the Chair of the Director General of the DFAR (DG), and Director of the Fisheries Management Division of DFAR (FMD) or an officer appointed by DG as the Secretary is to be set up to review the progress of its implementation and where necessary to make adjustments to improve its effectiveness. The Coordinating Committee may co-opt representatives from other Government Agencies, and other organizations such as the National Fisheries Federation, the Multi-day Fishing Boat Owners' Association and the Fish Exporters Association of Sri Lanka as required.

6. In this document:

6.1. Illegal Fishing refers to fishing activities conducted:

- (a) By local or foreign fishing boats in Sri Lanka Waters in contravention of the laws and regulations of Sri Lanka;
- (b) By local fishing boats in high-seas in contravention of the laws and regulations of Sri Lanka, or conservation and management measures adopted by IOTC or other relevant Regional Fisheries Management Organization (RFMO);
- (c) By local fishing boats in waters under the jurisdiction of another State, without the permission of such State, or in contravention of its laws and regulations;
- (d) By boats flying the flag of States that are parties to a relevant RFMO but operate in contravention of the conservation and management measures adopted by such RFMO and by which the States are bound, or relevant provisions of the applicable International Law;
- (e) In violation of National Laws or International Obligations including those undertaken by co-operating States to a relevant RFMO.

6.2. Unreported Fishing refers to fishing activities:

- (a) Which have not been reported or have been misreported in contravention of the reporting procedures of DFAR, the national authority for management of fisheries;
- (b) Undertaken in the area of competence of IOTC or any other RFMO, which have not been reported or have been misreported, in contravention of the reporting procedures of IOTC or such other RFMO as the case may be.



6.3. Unregulated Fishing refers to fishing activities:

- (a) In the area of competence of the IOTC or any other RFMO that are conducted by fishing boats without nationality, or by those flying the flag of a State that is not a party to IOTC or such other RFMO, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of IOTC or such other RFMO as the case may be;
- (b) In areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

6.4. Fishing boat means any vessel that is used or intended to be used for taking, trans-shipping, transporting or processing of fish or fishery products.

6.5. Local fishing boat means any fishing boat:

- (a) Wholly owned by the Government of Sri Lanka or any public corporation established by or under any law of Sri Lanka;
- (b) Wholly owned by one or more persons who are citizens of Sri Lanka;
- (c) Wholly owned by any company, society or other association of persons, incorporated or established under the law of Sri Lanka, a majority of the voting shares of which are held by Citizens of Sri Lanka.

6.6. Foreign fishing boat means any fishing boat other than a local fishing boat.

6.7. RFMO includes sub-regional fishery management organizations where applicable.

6.8. Sri Lanka Waters means:

- (a) The area declared to be the territorial sea of Sri Lanka by proclamation made under section 2 of the Maritime Zones Law, No. 22 Of 1976;
- (b) The area declared to be the contiguous zone of Sri Lanka by proclamation made under section 4 of the Maritime Zones Law, No. 22 Of 1976;
- (c) The area declared to be the exclusive economic zone of Sri Lanka by proclamation made under section 5 of the Maritime Zones Law, No. 22 Of 1976;

- (d) The area declared to be the historic waters of Sri Lanka by proclamation made under section 9 of the Maritime Zones Law, No. 22 Of 1976;
- (e) All public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, channels and all other public inland or internal waters.

6.9. High-seas mean the waters beyond Sri Lanka Waters and beyond the waters within the national jurisdiction of any other coastal State.

7. Sri Lanka strengthens its commitment to implement the FAO Code of Conduct for Responsible Fisheries (FAO, 1995) by adopting the SLNPOA-IUU.

### **3. OBJECTIVES AND PRINCIPLES**

(IPOA-IUU paragraphs 8 and 9)

8. The objective of the SLNPOA-IUU is to prevent, deter and eliminate IUU fishing conducted by any fishing boat, whether local or foreign in Sri Lanka Waters, and by local fishing boats in high-seas and in waters of national jurisdictions of other coastal States.

9. The following principles and strategies have been incorporated into SLNPOA-IUU.

9.1. Sri Lanka will implement measures against IUU fishing directly through the fisheries management mechanism that has been established by the Government or in co-operation with other coastal States, or indirectly through IOTC or other relevant RFMO by providing the necessary support as appropriate including information.

9.2. In order to respond to emerging needs, SLNPOA-IUU will be revised as and when required and therefore it is a “living” document.

9.3. SLNPOA-IUU covers all marine capture fisheries within Sri Lanka Waters and outside, and includes an integrated approach involving coastal State measures, flag State measures, port State measures and market State measures where applicable. All local stakeholders that include fishing boat owners, fishing boat skippers and fishers, fish traders and exporters, fisheries managers, fisheries law enforcement officials, fisheries researchers and NGOs have been made aware of SLNPOA-IUU.

9.4. SLNPOA-IUU ensures that measures against IUU fishing are consistent with the conservation and sustainability of fisheries resources and protection of the marine environment.

9.5. Development of SLNPOA-IUU has been done in consultation with all local stakeholders that include fishing boat owners, fishing boat skippers and fishers, fish traders and exporters, fisheries managers, fisheries law enforcement officials, fisheries researchers and NGOs. Decision-making in its implementation is done in a transparent manner.

9.6. Implementation of SLNPOA-IUU is without any discrimination against any individual, any local or foreign fishing boat or any State.

9.7 SLNPOA-IUU is a public document and is available in the following websites.

- [www.fisheries.gov.lk](http://www.fisheries.gov.lk)
- [www.fisheriesdept.gov.lk](http://www.fisheriesdept.gov.lk)

## **4. IMPLEMENTATION OF MEASURES TO PREVENT, DETER AND ELIMINATE IUU FISHING**

### **ALL STATE RESPONSIBILITIES**

#### **International Instruments**

(IPOA - IUU paragraphs 10 – 15)

10. Sri Lanka is a party to the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS). Sri Lanka has ratified UNCLOS on 19 July 1994.

11. Sri Lanka is also a party to the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement). Sri Lanka has ratified the UN Fish Stocks Agreement on 24 October 1996.

12. Sri Lanka has decided and commenced the process to accede to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement).

13. Sri Lanka has become a member of IOTC. Sri Lanka has ratified the IOTC Agreement on 13 June 1994.

14. Sri Lanka has become a party to Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO Port State Measures Agreement). Sri Lanka has ratified the FAO Port State Measures Agreement on 20 January 2011.

15. Process to amend FARA to incorporate provisions required to give effect to obligations of Sri Lanka under the UN Law of the Sea Convention, UN Fish Stocks Agreement, IOTC Agreement and FAO Port State Measures Agreement has now been commenced.

16. The system of management of fisheries in Sri Lanka Waters, i.e. the EEZ, territorial sea and internal waters is in accordance with the relevant guidelines stipulated by the FAO Code of Conduct for Responsible Fisheries (Code). FARA provides legal provisions required to manage fisheries in Sri Lanka waters. Important provisions include prohibition of the use of explosives including dynamite, and poisonous and stupefying substances or other harmful material for fishing, enhanced penalties for destructive fishing, provisions for the Minister to prohibit the export from or import into Sri Lanka of any species of fish including live fish and their eggs or spawn with a view to protection of fish species and biodiversity, and declare fishery management areas, fisheries reserves, and closed or open seasons for fishing with a view to conservation. Orders to implement such provisions have been published in the Gazette. Proposed amendments to FARA referred to in Paragraph 15 above will provide provisions for implementation of the Code in respect of fisheries in high-seas. Proposed amendments also include provisions for DG to appoint a fisheries management coordinating committee (FMCC) for each fisheries

management area and such FMCC to prepare and submit to DG a fisheries development and management plan for the respective fisheries management area.

## **National Legislation**

(IPOA Paragraphs 16 – 23)

### ***Legislation***

17. As mentioned in paragraph 4 above the Fisheries and Aquatic Resources Act, No. 2 of 1996 (FARA) as amended by Acts No. 4 of 2000, 4 of 2004 and 22 of 2006 is the main Act that governs fisheries in Sri Lanka. In addition illegal fishing activities by foreign fishing boats are controlled using provisions available under the Fisheries (Regulation of Foreign Fishing Boats) Act, No. 59 of 1979 (FFBA). FARA contains provisions required to address the issue of IUU fishing in Sri Lanka Waters. FARA is now in the process of being amended for the purpose of incorporating provisions required to deal with IUU fishing conducted by local fishing boats in high-seas and waters under the national jurisdictions of other coastal States. Draft bill has been prepared and Cabinet approval has been obtained to commence the procedure for submission of the Bill to Parliament. New provisions to be incorporated into FARA concerning IUU fishing include among other things, provisions for licensing of fishing operations of local fishing boats in high-seas, prohibiting local fishing boats from fishing in waters under the national jurisdictions of other coastal States except in accordance with laws of such States, requiring that license issued for fishing in high-seas to be carried at all times on fishing boat and produce for inspections by authorized officers on demand, impose a penalty of not exceeding two years imprisonment or a fine of not less than LKR 1.5 million for fishing in high-seas without license or unauthorized fishing in waters under the national jurisdictions of other coastal States, and for the Minister to make regulations to give effect to Sri Lanka's obligations under the UNCLOS, UN Fish Stocks Agreement and FAO Port State Measures Agreement, and resolutions adopted by IOTC. As the FAO Compliance Agreement is still in the process of accession, it is not possible give reference to it in the FARA Amendment Bill. Regulations to give effect to the proposed provisions (High-Seas Fishing Operations Regulations of 2013 and Port State Measures Regulations of 2013) have already been drafted, and they will be published in the Government Gazette once FARA is amended by incorporating the required provisions. Annex 1 gives a list of management measures that are being implemented and those proposed for implementation, to combat IUU fishing under the existing and proposed provisions of FARA.

18. Electronic and other new technological evidence is admissible under laws of Sri Lanka in accordance with the Evidence (Special Provisions) Act, No. 14 of 1996. Therefore electronic and other new technological evidence could be used in legal proceedings against IUU fishing.

### ***State Control over Nationals***

19. With the introduction of multi-day fishing boat in mid-1980s Sri Lanka nationals have engaged increasingly in high-seas fisheries. Some Sri Lankan fishing boats have even knowingly or unknowingly strayed into waters under national jurisdictions of neighbouring coastal States and Indian Ocean territories

of some other States for fishing. Once the proposed amendments to FARA are approved by Parliament and regulations are made to give effect to the provisions concerning fishing by local fishing boats in high-seas and in waters of national jurisdiction of other coastal States, it would be possible to control fishing activities of local fishing boats conducted outside Sri Lanka Waters, and deter and prevent them from engaging in IUU fishing activities. With the local fishing boat registration requirements (Sections 15 – 26 of FARA) and amendments proposed (Sections 14A – 14D) for incorporation of fishing operation license requirements in high-seas it would be possible to identify the operators and beneficiary vessel owners involved in IUU fishing activities.

20. No information is available to the effect that Sri Lanka nationals do register fishing boats under the flag of another State that does not meet its flag State responsibilities for the purpose of engaging in IUU fishing. Sri Lanka will investigate on this issue, and will take appropriate action to address it, if such instances are found.

### ***Vessels without Nationality***

21. Sri Lanka does not issue fishing operation licenses to foreign fishing boats to fish in Sri Lanka Waters. However, in accordance with Landing of Fish Regulations, 1997 made under Section 61 of FARA (Gazette 972/4 of 21 April 1997) Sri Lanka issues fish landing permits to foreign fishing boats fishing in high-seas to land their catches at a designated port. Fishing boats or fish carrier vessels without nationality are not issued with such fish landing permits. Before issuing fish landing permits to any such foreign fishing boat, Sri Lanka inquires from IOTC and the flag State as to whether such foreign fishing boat is listed as an IUU fishing vessel. It is the policy of Sri Lanka not to issue fish landing permits to foreign fishing boats, which are listed in the IUU fishing vessels list maintained by IOTC.

### ***Sanctions***

22. Sanctions are imposed against IUU fishing in Sri Lanka Waters by local fishing boats under the provisions in Section 49 of FARA. DFAR will review such sanctions periodically for their effectiveness. The FFBA (Sections 15 – 17) provides for sanctions against foreign fishing boats engaged in IUU fishing in Sri Lanka Waters. The sanctions against IUU fishing in Sri Lanka Waters by foreign fishing boats appear to be deterrent enough since they include heavy fines, surcharge of repatriation costs of the crew, and forfeiture of the relevant fishing boat and fishing equipment, and the fish catch. No legal provisions are currently available for imposing sanctions against local fishing boats engaged in IUU fishing in high-seas or waters under the national jurisdictions of other coastal States. However, as an administrative measure to prevent local fishing boats from engaging in IUU fishing in high-seas and in waters under the national jurisdictions of other coastal States such vessels are delisted from the Registry of Local Fishing Vessels and their fishing operations licenses are cancelled thereby preventing such fishing boats from leaving fishery harbours. Assistance of SLN and SLCG is being obtained to ensure that no mechanized fishing boat that has not being registered as a local fishing boat and issued with a fishing operation license leaves a fishery harbour for fishing. Proposed amendments to FARA include severe penalties such as imprisonment for a term not exceeding 2 years or a fine not less than LKR 1.5 million and confiscation of

the boat fishing gear and other equipments for engaging in IUU fishing in high-seas or waters under the national jurisdiction of another coastal State (*vide* Annex 1).

### ***Non Co-operating States***

23. As mentioned in paragraph 21 above, when an application is received from an owner, master or local agent of a foreign fishing boat fishing in high-seas for a fish landing permit to land fish in a port of Sri Lanka for re-export, necessary inquiries are made from IOTC and authorities of its flag State to ascertain whether the particular fishing boat has engaged in IUU fishing and its flag State is a member of IOTC or a co-operating State to IOTC. Foreign fishing boats, which have previously been engaged in IUU fishing, or with non co-operating States to IOTC as their flag States will not be issued with fish landing permits to land their catches in a port of Sri Lanka for re-export.

### ***Economic Incentives***

24. No subsidies, investment incentives or other financial benefits such as exemption from income tax will be given to companies or owners or operators of local fishing boats engaged in IUU fishing. For transparency, this policy will be announced together with the announcements of the availability of such incentives or benefits.

### ***Monitoring, Control and Surveillance (MCS)***

25. The following MCS activities are being implemented or proposed to be implemented by DFAR.

- A scheme for issuing fishing operation licenses to fish in Sri Lankan waters is under implementation (Sections 6 – 14 of FARA). This will be extended to cover high-seas once the proposed amendments to the FARA are approved by Parliament.
- A register of local fishing boats is maintained with the name and address of the owner, number of crew members, and description of the fishing boat in regard to the type of boat, material of construction, length, engine type and capacity, etc. (Sections 15 -26 of the FARA). This register is now maintained electronically.
- A vessel monitoring system is maintained using transponders. Use of transponders is compulsory for the local multiday fishing boats fishing in offshore waters (Gazette No. 1730/9 of 01 November 2011), and all foreign fishing boats fishing in high seas, which have been issued with fish landing permits to land their catches in a port of Sri Lanka (Gazette, No. 972/4 of 21 April 1997).
- Regulations have been made requiring all mechanized local fishing boats to maintain a logbook issued by DFAR, maintain a record of the fish catch of each fishing trip in the logbook, and produce a certificate of the fish catch to the authorized officer in a prescribed form on demand or at the end of every three months (Gazette No. 1755/32 of 25 April 2012).
- Almost all local fishing boats that are engaged in fishing in high-seas are smaller than 18 m, and therefore it is not practical to send observers onboard such boats. Regulations will be made under

new provisions to be incorporated to FARA requiring fishing boats of and over 24 m to carry observers onboard.

- A separate division has been set up in the DFAR for implementation of MCS functions. Personnel engaged in MCS activities have been provided with the necessary knowledge and training. A radio communication network has been established to facilitate communication between fishing boats and district fisheries offices or the MCS Division. Fishers are encouraged to be vigilant of IUU activities and report such activities to district fisheries offices or the MCS Division through the radio communication network or by other means.
- Officers and men of the SLN and the SLCG, industry personnel, fishers and other stakeholders are continuously being made aware of IUU fishing activities through seminars, workshops, leaflets, posters and mass media. A documentary film is also been developed for use in awareness programmes.
- FARA (Section 46) provides for DG to authorize officers not below the rank of Fisheries Inspector to implement its provisions, and for such authorized officers to among other things stop, go onboard and search any fishing boat in Sri Lanka Waters or any local fishing boat engaged in fishing in high-seas and examine such boat, its crew, its fishing gear and other equipment, and fish catch. If an authorized officer has reasons to believe that an offence has been made he may seize such boat together with its fishing gear and equipment and fish catch, and arrest any person, and commence legal proceedings.
- A record of local fishing boats apprehended for IUU fishing that include registration number and name and address of owner and operator, offence, place of apprehension and penalty imposed will be maintained by the MCS Division.

### **National Plans of Action**

(IPOA-IUU Paragraphs 25 – 27)

26. SLNPOA-IUU gives effect to the relevant provisions of the IPOA-IUU. Most provisions of the SLNPOA-IUU are legally binding as they are based on national legislation, i.e. FARA and regulations made there-under and FFBA. Process to incorporate other provisions into national legislation and thereby making them legally binding has been commenced. SLNPOA-IUU will serve as an integral part of the fisheries management regime of Sri Lanka. Budgetary provisions are being made annually from the national budget for its implementation.

27. Sri Lanka periodically reviews the implementation of provisions in FARA and FFBA to evaluate their effectiveness to achieve the intended objectives. This is done by the Fisheries and Aquatic Resources Advisory Council established under Section 3 of FARA. This reviewing is done once a year or if the situation requires at a shorter interval. Similarly Sri Lanka regularly reviews SLNPOA-IUU with a view to identifying its strengths and weaknesses and making improvements if necessary. The coordinating committee referred to in Paragraph 5 above undertakes reviewing. Sri Lanka will meet the reporting obligations to FAO concerning information on actions against IUU fishing under Article VI of IPOA-IUU. Sri Lanka regularly furnishes information concerning IUU fishing to IOTC.

28. Implementation of SLNPOA-IUU is coordinated by the Fisheries Management Division (FMD) of the DFAR, which is the Division of DFAR entrusted with management of fisheries. As given in Paragraph 5



above progress of its implementation is evaluated by a coordination committee chaired by DG and with Director of the FMD as the Secretary, and representatives of SLN, SLCG, CFHC, NARA and any other government agency or other organization such as the National Fisheries Federation, the Multi-day Fishing Boat Owners' Association or the Fish Exporters Association of Sri Lanka as co-opted by the coordination committee.

### **Cooperation between States**

(IPOA-IUU Paragraphs 28 -31)

29. Sri Lanka continues to cooperate with other States directly and indirectly to combat IUU fishing. Following are the activities that are being implemented under the programme for cooperation between States.

- The joint working group (JWG) between India and Sri Lanka that has been established to address the issue of IUU fishing in the Palk Bay and the associated area of the Bay of Bengal and the Gulf of Mannar: This JWG meets annually alternatively in India and Sri Lanka to evaluate the situation and make recommendations to the respective countries.
- Membership of IOTC: Sri Lanka is a member of IOTC and actively participates in its meetings, implements its resolutions and provides information as required.

30. As mentioned in Paragraph 12 above Sri Lanka is in the process of acceding to the 1993 FAO Compliance Agreement. Legal provisions are being incorporated into FARA to license fishing operations conducted by local fishing boats in high-seas. As required by Article IV of that Agreement, a record of local fishing boats authorized to fish in high-seas is being maintained. As required by Article VI of that Agreement Sri Lanka provides information on local fishing boats to FAO. As per the relevant resolutions adopted by IOTC, Sri Lanka continues to provide IOTC with the required information on local fishing boats authorized to fish in high-seas and local fishing boats that have engaged in IUU fishing.

31. Director (Fisheries Management) Department of Fisheries and Aquatic Resources (Tel/Fax 94-11-2446291, [adcpwijegoonawardena@gmail.com](mailto:adcpwijegoonawardena@gmail.com)) is the initial formal contact point for exchanging of information. Website of DFAR is [www.fisheriesdept.gov.lk/](http://www.fisheriesdept.gov.lk/).

32. Sri Lanka is willing to cooperate with other States by entering into appropriate agreements or arrangements with such States for the enforcement of applicable laws against IUU fishing and implementation of the conservation and management measures adopted at the national, regional and global levels.

### **Publicity**

(IPOA-IUU Paragraph 32)

33. Sri Lanka will give publicity to identified IUU fishing activities and actions taken against such activities. Press communiqués, national media, the websites of the DFAR and MFARD, and regional and global forums like meetings of the IOTC, APFIC and COFI, etc will be used for this purpose.

## **Technical Capacity and Resources**

(IPOA-IUU Paragraph 33)

34. The national budget of Sri Lanka provides funds to the DFAR for implementation of the national fisheries management programme. As SLNPOA-IUU is an integral part of the national fisheries management programme, funds provided by the national budget include funds required to implement the SLNPOA-IUU. In addition, the SLN, SLCG, CFHC, NARA and SLC which have roles in implementation of the SLNPOA-IUU also get funds from the national budget for their activities. The technical capacities of DFAR and other organizations to implement SLNPOA-IUU will continuously be enhanced through national training programmes, and if possible through training programmes conducted at regional or global levels.

## **FLAG STATE RESPONSIBILITIES**

### **Fishing Vessel Registration**

(IPOA-IUU Paragraphs 34 -41)

35. According to the Registration of Fishing Boats Regulations, 1980 (Gazette No. 109 of 3 October 1980) no person could use a local fishing boat to fish in Sri Lanka Waters unless a certificate of registration is issued in respect of such fishing boat by DG. In addition, according to Section 6(1) of FARA and Fishing Operations License Regulations of 1996 (Gazette, No. 948/25 of 07 November 1996) for any person to engage in any prescribed fishing operation in Sri Lanka Waters, a fishing operation license issued by DG is required. This requirement is being extended to cover high-seas by the amendment being effected to FARA. Proposed amendment also includes deterrent penalties for engaging in unauthorized fishing in high-seas and waters under national jurisdictions of other coastal States and Indian Ocean territories of other States, and fishing in high-seas in contravention of the regulations made by the Minister to give effect to conservation and management measures adopted under UNCLOS, by IOTC and under UN Fish Stocks Agreement and FAO Port State Measures Agreement.

36. Only local fishing boats could be registered in Sri Lanka. Section 66 of FARA gives the definition of local fishing boat, which is given in Paragraph 6 (section 6.5) above. If an application is received to register a local fishing boat of foreign origin that fulfills these conditions, it is registered only if the applicant could produce proof to the satisfaction of DG to the effect that such fishing boat has not previously engaged in IUU fishing or its previous owner has no legal, beneficial or financial interest in or control of it.

37. Applications for registration of fishing boats of foreign origin that have been re-flagged to avoid flag-State controls over IUU fishing are rejected.

38. Chartered fishing boats of foreign origin are not registered under FARA as they do not fulfill the conditions given in Paragraph 6 (section 6.5) above to be treated as local fishing boats.

39. Registration of local fishing boats and issuing of fishing operation licenses are performed by the FMD. Fishing operation licenses are issued only in respect of local fishing boats that have been registered.

### **Record of Fishing Vessels**

(IPOA-IUU Paragraphs 42, 43)

40. Section 15 of FARA requires DG to maintain a register of local fishing boats. All local fishing boats are entitled to fly Sri Lanka national flag. According to Section 14A in the proposed amendment no local fishing boat could be used for fishing in high-seas without obtaining a fishing operation license for that purpose from DG and Section 14D(1) in the proposed amendment requires DG to maintain a register of all licenses granted for fishing in high-seas. Applicants for registration of local fishing boats are required to furnish the following information to DG (Gazette No. 1430/4 of 30 January 2006).

- Full name and address of owners with national identity card number of each owner
- Particulars of the fishing boat (type of boat and code, make of hull (timber, FRP, metal), length (ft, m), year of construction, boatyard number)
- Engine (make, serial number, horsepower)
- Navigation equipment (satellite navigator, radar, depth sounder)
- Communication equipment (SSB radio, VHF radio)
- Fishing equipment (fish finder, line hauler, net hauler)
- Place where the boat is kept at most times (fishery harbour, anchorage)

41. Action is being taken to obtain the following information also from the applicants for registration of local fishing boats.

- Name, address and nationality of the person responsible for managing the operations of the fishing boat
- Name and ownership history of the fishing boat

42. Action will be taken to include details of the fishing boats in respect of which licenses to engage in fishing in high-seas have been rejected in the register of local fishing boats.

### **Authorization to Fish**

(IPOA-IUU Paragraphs 44 – 50)

43. No person is allowed to use a local fishing boat to engage in any prescribed fishing operation in Sri Lanka waters except under the authority of a fishing operation license issued by DG (Section 6 of FARA). Prescribed fishing operations are the following (Gazette 948/25 of 07 November 1996):

- Fishing operations carried out by seine nets, beach seines, *madel*, or Danish seine nets
- Fishing operations carried out by trawl nets
- Fishing operations carried out by surrounding nets

- Fishing operations carried out by trammel nets
- Fishing operations carried out by gillnets
- Fishing operations carried out by drift gillnets
- Fishing operations carried out by long lines
- Fishing operations carried out by cast nets
- Fishing operations carried out by fish traps
- Fishing operations carried out by stake nets (*kattu del*)
- Bivalve mussel fishing operations
- Beche-de-mer fishing operations
- Chank fishing operations
- Fishing operations carried out using bundles of *Pila atu* (*Tephrosia* plants)
- Fishing operations carried out using fish aggregation devices
- Fishing operations carried out by lift net (*atoli*)
- Fishing operations carried out by diving including free diving, SCUBA diving and HOOKAH diving

44. Once the proposed amendment to the FARA (Section 14A) approved by Parliament, fishing operation license will be required to use a local fishing boat for any fishing operation in high-seas. If a local fishing boat is not equipped with a transponder and communication equipment which enables DG and his staff to communicate with that boat and exercise control over its activities, DG has to refuse to grant a fishing operation license to that boat (Section 14B(4)(e)). Section 14E in the proposed amendment to FARA is to require a holder of a fishing operation license in high-seas to carry such license onboard the fishing boat all the time. According to Section 14F of the proposed amendment a license holder cannot use a fishing boat to engage in unauthorized fishing in waters under the national jurisdiction of another coastal State. Multi-day fishing boats are not allowed to leave fishery harbours unless their owners or operators prove that they have obtained a fishing operation license.

45. Fishing operation licenses for fishing in Sri Lanka waters are issued on a prescribed form (Gazette 1392/8 of 11 May 2005). Information incorporated in a license includes among other things the following.

- Fishing area
- Details of fishing boat (type, length, horse power of engines, number of crew)
- Fishing gear authorized to use (in case of nets - type, number, average length, average depth and mesh size; in case of lines – type, number, average length and average number of hooks; in case of other gear – type and number of units)
- Season of the year and times of the day fishing operations are permitted
- Species or groups of species permitted to be taken
- Areas or locations where fishing is permitted
- General conditions

46. Regulations will be made under FARA to issue fishing operation licenses to fish in high-seas once the proposed amendments to FARA are approved. Draft High-Seas Fishing Operation Regulations of 2013 have already been prepared for this purpose. The Regulations will prescribe a form for fishing operation

license that has in addition to the information in Paragraph 44 above, name of person authorized to fish, vessel monitoring system, catch reporting conditions, observer coverage, harbour to be used for landing and special conditions (if any).

47. All local fishing boats are required to be marked in accordance with the FAO Standard Specifications and Guidelines. Regulations have been made to this effect under FARA (Gazette 1430/4 of 30 January 2006).

48. Every person who uses a mechanized fishing boat for fishing in Sri Lanka waters is required to maintain a logbook issued by DFAR and fish catch in relation to each fishing trip needs to be recorded in the logbook, which should be produced to the authorized officer in charge of fish landing on demand and at the end of every three months (Gazette 1755/32 of 25 April 2012). Requirement to maintain a logbook is being made mandatory for local fishing boats fishing in high-seas as well. These requirements are included in the draft High-Seas Fishing Operations License Regulations of 2013. Till the proposed amendment is approved and the Regulations are promulgated, this requirement is being implemented as an administrative measure.

49. Sri Lanka furnishes information required pertaining to catch to FAO and IOTC regularly as appropriate.

## **COASTAL STATE MEASURES**

(IPOA-IUU Paragraph 51)

50. Sri Lanka has no agreements or arrangements with other States concerning fishing in Sri Lanka Waters.

51. No fishing operation licenses are issued to foreign fishing boats to fish in Sri Lanka Waters. Therefore fishing in Sri Lanka Waters by any foreign fishing boat would be treated as IUU fishing, and legal action is taken against those engaged in such fishing activities under FFBA (Section 4).

## **PORT STATE MEASURES**

(IPOA-IUU Paragraphs 52 -64)

52. The proposed amendment to FARA includes provisions for implementation of the provisions of the FAO Port State Measures Agreement (long title, Sections 14G, 14O and Section 61(2) (t)). Necessary regulations to give effect to the provisions of the said Agreement will be made once the proposed amendments are approved by Parliament. Till such time they are being implemented as administrative procedures.

53. A foreign fishing boat engaged fishing in high-seas or a fish carrier vessel could land its fish catch at a designated fishery harbour in Sri Lanka for processing and re-export under the authority of a permit issued by DG for that purpose. According to the procedures that are being followed, the local agent or captain of the foreign fishing boat or fish carrier vessel has to submit an application to DG for a fish landing permit on the format issued by the DFAR 48 hours (in case of the second and subsequent landings 24 hours) before the proposed landing. The format used is that given in Annex A of the FAO Port State Measures Agreement. Draft Port State Measures Regulations of 2013 have been prepared to give legal effect to these procedures and the Regulations will be published in Gazette once the proposed amendment to FARA is approved. Sri Lanka has designated Colombo Mutwal fishery harbour and Dikowita fishery harbour as the ports for landing of fish by foreign fishing boats or fish carrier vessels, and this has been communicated to FAO for publicity.

54. Fish landing permits are issued only for foreign fishing boats and fish carrier vessels, the flag States of which are member countries of IOTC and that have no history of engaging in IUU fishing activities. Before issuing fish landing permits inquiries are made from IOTC and the relevant flag State as to whether such foreign fishing boat or fish carrier vessel has previously engaged in IUU fishing activities.

55. Every fish landing by a foreign fishing boat is inspected by a trained Fisheries Inspected as given in Annex B of the Agreement, and an inspection report is prepared in the format given in its Annex C. This information is conveyed to IOTC and the relevant flag State.

56. Access to a port in Sri Lanka is available to any vessel in *force majeure* or distress in accordance with the international law.

57. If any foreign fishing boat or a fish carrier vessel is found to have engaged in IUU fishing activities outside Sri Lanka Waters, such fishing boat or carrier vessel is not allowed to land its fish load at a fishery harbour of Sri Lanka or to trans-ship that fish load within Sri Lanka Waters. Such fishing boat or fish carrier vessel is also not provided with general port services. Further that matter would be reported to the relevant flag State, State of the nationality of the master of the foreign fishing boat or fish carrier vessel, IOTC and FAO.

58. Action will also be taken to enhance the capacity for port State control by the development of manpower and establishing the necessary infrastructure facilities.

## **INTERNATIONALLY AGREED MARKET RELATED MEASURES**

(IPOA-IUU Paragraphs 65 – 76)

59. Sri Lanka is a member of the World Trade Organization (WTO) and is bound to conduct international trade in accordance with the principles, procedures, rights and obligations established by WTO.

60. Sri Lanka exports wet fish and processed fish to all major international markets, i.e. the European Union, Japan and USA, and also to several other countries. These fish consignments could originate from the following sources.

- Fish landed by local fishing boats operating in Sri Lanka Waters or high-seas
- Fish landed by foreign fishing boats operating in high-seas or fish carrier vessels transshipping fish from foreign fishing boats operating in high-seas; these landings are strictly subjected to port State measures against IUU fishing.
- Fish imported from other countries

61. A mandatory catch certification scheme that involves maintenance of a logbook for all local mechanized fishing boats for recording of fish catch of each fishing trip, and submission of a catch certificate in respect of fish supplied for export to the EU market is being implemented by DFAR (Gazette 1755/32 of 25 April 2012). Importers who import fish for re-export are also required under this catch certification scheme to furnish among other documents, a catch certificate duly signed by the Competent Authority of the country from where such fish is imported.

62. Fish exporters who export processed fish are required under the catch certification scheme referred to in paragraph 59 above, to submit a process statement to DG giving the catch certificate number, name of the vessel and flag, validation date, catch description, total landed weight, catch processed weight and weight of processed fishery products in respect of all fish products in the export consignment. In addition, fish exporters are required to submit ICCAT sword fish statistical documents and big-eye tuna statistical documents as relevant in respect of export consignments that contain sword fish or big-eye tuna. On information provided by Sri Lanka, US has over a period of 15 years has periodically certified that shrimp fisheries of Sri Lanka are turtle-safe.

63. If another State requests for Sri Lanka's assistance in deterring trade in fish and fish products harvested illegally in the jurisdiction of that State, Sri Lanka will provide possible assistance in accordance with the terms agreed and international law.

64. Programmes for development of awareness on the impact of IUU fishing among all stakeholders in fish trade that include fishing boat owners and operators, fish collectors and suppliers, fish importers, fish processors, fish exporters, financiers and service providers will be conducted.

65. Sri Lanka is implementing the six digit harmonized commodity description and coding system developed by the World Customs Organization for fish and fisheries products in the international trade in fish and fisheries products.

66. Action will also be taken to standardize certification and documentation requirements and set up electronic schemes where possible in order to facilitate transactions and avoid opportunities for fraud.

## **RESEARCH**

(IPOA-IUU Paragraph 77)

67. The main research organization of the Government of Sri Lanka in respect of fisheries and aquatic resources is NARA. In addition some universities of Sri Lanka also conduct research on fisheries and aquatic resources. Currently no facilities including technology and equipment are available in Sri Lanka to identify fish species from samples of processed fish. Technical assistance from FAO or other appropriate international organization will be sought to initiate research in this area.

## **REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS**

(IPOA-IUU Paragraphs 78 – 84)

68. As mentioned earlier Sri Lanka is a member of IOTC and is in the process of implementing the policies and measures adopted by IOTC to prevent, deter and eliminate IUU fishing in the area of its competence.

69. Following are the actions taken by Sri Lanka to implement the policies and measures adopted by IOTC.

- Process has been initiated to amend the laws concerning fisheries to give effect to policies and measures adopted by IOTC.
- Implementation of measures like collection of fish catch data, maintenance of logbooks onboard the fishing boats, port inspection, trade documentation schemes, etc. has been commenced.
- Relevant information to IOTC is provided on a regular basis as appropriate.
- Actively participates in the meetings convened by IOTC.
- A VMS system is in the process of establishment.
- Officers are being trained in VMS and in port inspection.
- A mandatory observer programme is being introduced for fishing boats of and over 24 m.



- Education and awareness programmes on IUU fishing targeting all stakeholders continue to be conducted.
- Fisheries management action plans that are being implemented include action against IUU fishing.

70. Information on details of IUU fishing detected in the area of competence of IOTC and action taken against such IUU activities, list of fishing boats authorized to fish in high-seas in the area of competence of IOTC and list of fishing boats engaged in IUU fishing is furnished to IOTC regularly as appropriate.

## **5. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES**

(IPOA-IUU Paragraphs 85, 86)

71. Sri Lanka welcomes assistance in the following areas.

- To review the national legislation and if necessary proposals to adjust legislation to meet the international obligations
- To improve collection of fish catch data
- Strengthening the VMS system with satellite monitoring
- Research to identify fish species from samples of processed fish and fishing grounds

## **6. REPORTING**

(IPOA-IUU Paragraph 87)

72. Sri Lanka will submit reports to FAO on progress of implementation of the SLPOA-IUU as part of the biennial reporting on implementation of the Code of Conduct of Responsible Fisheries.

## MANAGEMENT MEASURES UNDER THE FISHERIES AND AQUATIC RESOURCES ACT, No. 2 of 1996

(Fishing activities conducted in non-compliance with these measures are considered IUU fishing activities)

	Provision in the Act/Regulations	Management Measure	Penalty for Non-Compliance
1	Section 6, 7, 8, 9, 29, 61/Fishing Operations Regulations of 1996 (Gazette, No. 948/25 of 07-11-1996)	<p>A license issued by DG is required to undertake the following fishing activities in Sri Lanka Waters.</p> <ul style="list-style-type: none"> <li>• Fishing operations carried out by seine nets, beach seines, <i>madel</i>, or Danish seine nets</li> <li>• Fishing operations carried out by trawl nets</li> <li>• Fishing operations carried out by surrounding nets</li> <li>• Fishing operations carried out by trammel nets</li> <li>• Fishing operations carried out by gillnets</li> <li>• Fishing operations carried out by drift gillnets</li> <li>• Fishing operations carried out by long lines</li> <li>• Fishing operations carried out by cast nets</li> <li>• Fishing operations carried out by fish traps</li> <li>• Fishing operations carried out by stake nets (<i>kattu del</i>)</li> <li>• Bivalve mussel fishing operations</li> <li>• Beche-de-mer fishing operations</li> <li>• Chank fishing operations</li> <li>• Fishing operations carried out using bundles of <i>Pila atu</i> (<i>Tephrosia</i> plants)</li> <li>• Fishing operations carried out using fish aggregation devices</li> <li>• Fishing operations carried out by lift net (<i>atoli</i>)</li> <li>• Fishing operations carried out by diving including free diving, SCUBA diving and HOOKAH diving</li> </ul>	Imprisonment of either description for a term not exceeding six months or to a fine not less than LKR 3000 or to both such imprisonment and fine (Section 49 (2) FARA) (To be amended as fine not exceeding LKR 25,000)
2	Section 15/Registration of Fishing Boats Regulations, 1980 (Gazette, No. 109 of 10 March 1980)	Fishing boats used for fishing in Sri Lanka Waters should be registered under FARA as local fishing boats.	Fine not less than LKR 2000 (To be amended as fine not exceeding LKR 25,000)
3	Section 27 as amended by Act, No. 4 of 2004	Use of poisonous, explosive or stupefying substances (including dynamite) or other noxious or harmful material for fishing or dumping of poisonous, explosive, stupefying or other obnoxious or harmful material in Sri Lanka Waters	Imprisonment of either description for a term not less than three years and not

		is banned.	exceeding five years and a fine not less than LKR 100,000 or on a second or subsequent conviction imprisonment of either description for a term not less than five years and not exceeding seven years and a fine not less than LKR 500,000 (Section 49 (3) FARA as amended by Act, No. 4 of 2004)
4	Section 28/ Fishing Operations Regulations of 1996 (Gazette, No. 948/25 of 07 November 1996)	The following fishing operations are banned: <ul style="list-style-type: none"> <li>• Push net fishing operations</li> <li>• Harpooning for marine mammals</li> <li>• Moxi net fishing operations</li> <li>• Gillnet or trammel net fishing operations on coral reefs or rocks</li> </ul>	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 3000 or both such imprisonment and fine (Section 49 (2)) (To be amended as fine not exceeding LKR 25,000)
5	Section 61/Lobster Fisheries Management Regulations (Gazette, No. 1123/2 13 March 2000)	Spiny lobster fishing operations in the sea area belonging to the Southern coastal belt between the estuaries of Bentota River and Kumbukkan River require validation of the license issued for fishing operations for south coast lobster. Catching or keeping in possession of spiny lobster with external eggs, lobster of species <i>Panulirus homarus</i> with a carapace length less than 10 cm or tail length less than 14 cm, or lobster of any other species with a carapace length less than 6 cm or tail length less than 10 cm is banned.	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 2000 or both such imprisonment and fine (Section 49 (5)) (To be amended as fine not exceeding LKR 50,000)
6	Section 34/(Notification published in Gazette, No. 1601/36 of 15 May 2009)	Lobster fishing operations are banned during the months of February, September and October, which have been declared as closed seasons for fishing of lobster.	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 3000 or both such imprisonment and fine (Section 49 (2)) (To be amended as fine not exceeding LKR 25,000)

7	Sections 28 and 61/ Monofilament nets prohibition regulations	Use of monofilament nets for fishing is banned.	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 3000 or both such imprisonment and fine (Section 49 (2)) (To amended as fine not exceeding LKR 25,000)
8	Section 61/Chank Fisheries Management Regulations, 2003 (Gazette, No. 1298/1 of 21 July 2003)	Dredging operations or trawling operations for the purpose of taking chank, and keeping in possession of any chank less than 70 mm in diameter are banned.	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 2000 or to both such imprisonment and fine (Section 49 (5)) (To be amended as fine not exceeding LKR 50,000)
9	Section 61/Landing of Fish (Species of Shark and Skate) Regulations, 2001 (Gazette 1206/20 of 17 October 2001)	No fins of shark or skate should be landed unless such fins attached to the bodies of the respective fish.	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 2000 or to both such imprisonment and fine (Section 49 (5)) (To be amended as fine not exceeding LKR 50,000)
10	Section 4 of FFBA <sup>1</sup>	No foreign boat should be used for fishing or related activities in Sri Lanka Waters except under the authority of a permit issued by DG with approval of the Minister	Fine not exceeding LKR 1.5 million and repatriation costs of the crew, forfeiture of the boat and fishing equipment (Section 15 (a) of FFBA)
11	Section 61/Fish catch data collection regulations, 2012 (Gazette 1755/32 of 25 April 2012)	Mechanized fishing boats fishing in Sri Lanka Waters are required to maintain logbooks issued by DFAR, maintain a record of the catch of each fishing trip in the logbook, and furnish a certificate of the catch to the Competent Authority in the prescribed form.	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 2000 or to both such

<sup>1</sup> Fisheries (Regulation of Foreign Fishing Boats) Act. No. 59 of 1979

		Fish should not be imported for re-export without a catch certificate and health certificate issued by the Competent Authority of the importing country	imprisonment and fine (Section 49 (5) (To be amended as fine not exceeding LKR 25,000)
12	Section 61/Prohibition of Catching Thresher Shark Regulations, 2012 (Gazette 1768/36 of 27 July 2012)	Catching, transporting or selling thresher shark (Family Alopiidae) is banned.	Imprisonment of either description for a term not exceeding six months or a fine not less than LKR 2000 or to both such imprisonment and fine (Section 49 (5) (To be amended as fine not exceeding LKR 25,000)
<b>Additions under the Amendments Proposed</b>			
13	Section 14A/High-Seas Fishing Operation Regulations of 2013 (Proposed)	No local fishing boat should be used for any fishing operation in high-seas without a license from DG.	Imprisonment for a term not exceeding two years or a fine not less than LKR 1,500,000 (Section 49 (6) (proposed))
14	Section 14E/High-Seas Fishing Operation Regulations of 2013 (Proposed)	Fishing operation license issued by DG for fishing in high-seas should be carried onboard the respective local fishing vessel and produced for inspection to an authorized officer on demand.	A fine not exceeding LKR 25,000 (Section 49 (5) (proposed))
15	Section 14F/High-Seas Fishing Operation Regulations of 2013 (Proposed)	No local fishing boat should be used for fishing in the waters under the national jurisdiction of another State except under the authority and in accordance with laws of that State.	Imprisonment for a term not exceeding two years or a fine not less than LKR 1,500,000 (Section 49(6) (proposed))
16	Section 61 (t) /High-Seas Fishing Operation Regulations of 2013 (Proposed)	No local fishing boat issued with a license by DG for fishing in high-seas should be used in contravention to the regulations made by the Minister to implement the management and conservation measures adopted under the Law of the Sea Convention, UN Fish Stocks Agreement, by IOTC and under FAO Port State Measures Agreement.	Imprisonment for a term less than two years or a fine not exceeding LKR 1,000,000 (Section 49(6) (proposed))
17	Section 61(t)/Port State Measures Regulations of 2013 (proposed)	Boats not registered under FARA are not allowed to land fish taken outside Sri Lanka Waters at any port in Sri Lanka without a landing permit from DG. Boats not registered under FARA, but issued with landing permits by DG to land fish taken outside Sri Lanka Waters are required to report data relating to the catch to DG.	Imprisonment for a term less than two years or a fine not exceeding LKR 1,000,000 (Section 49(6) (proposed))

## WAY FORWARD

<b>No.</b>	<b>Activity</b> (The number given within parenthesis at the end of each Activity refers to the number of the relevant Paragraph of the Text.)	<b>Action by</b>	<b>Remarks</b>	<b>Time Frame</b>
1	Establish the proposed Coordinating Committee to monitor the progress of implementation of SLNPOA-IUU under the chair of DG and Director FMD as the Secretary and representatives from SLN, SLCG, CFHC, NARA, and SLC (5).	DFAR	Immediate action	Completed and meet on every three months
2	Accede to the FAO Compliance Agreement (12).	MFARD	Pursue with the Ministry of External Resources.	Process will be completed by the MFARD by the month of October
3	Initiate action to amend legislation to give effect to obligations of Sri Lanka under international agreements (15).	MFARD and DFAR	Action already initiated.	Approval by the Parliament is expected in end of July
4	Investigate whether Sri Lanka nationals register their fishing boats in non co-operating States to IOTC or any other RFMO, and if so discourage them from doing so (20).	DFAR	Sri Lankan Diplomatic Missions may be consulted.	As and when such incident are reported.
5	Review the penalties under the FARA periodically for their effectiveness against IUU fishing (22).	SLNPOA-IUU Coordinating Committee		Once in two years
6	Discontinue subsidies, investment incentives or other financial benefits to companies or owners of local fishing boats engaged in IUU fishing. This should be announced with the announcements of the availability of packages of such incentives or benefits (24).	MFARD and DFAR	Pursue with the Ministry of Finance & Planning and Board of Investment.	As and when such incident reported
7	Maintain a record of local fishing boats apprehended for IUU fishing that include registration number, name and address of owner and operator, offence, place of apprehension and penalty imposed (24).	DFAR		Started on May 2012 and continued



8	Maintain a record of local fishing boats authorized to fish in high-seas (25).	DFAR		Started on May 2012 and continued
9	Introduce a mandatory requirement to have observers onboard fishing boats of and over 24 m during fishing trips (26).	DFAR		To be started when boat over 24 meters are introduced
10	Review periodically (once a year or at a shorter interval as the situation demands) implementation of the provisions of FARA and FFBA to evaluate effectiveness of achieving their objectives (27).	Fisheries and Aquatic Resources Advisory Council	Ref. Section 3 of FARA.	Once a year or if the situation requires at shorter interval
11	Review regularly the SLNPOA-IUU with a view to identifying its strengths and weaknesses and making improvements if necessary (27).	SLNPOA-IUU Coordinating Committee		Regularly
12	Enhance continuously technical capacity to implement SLNPOA-IUU (34).	DFAR		Continuously
13	Register fishing boats which have been legally purchased from foreign countries by Sri Lankan citizens only if the applicants produce proof to the satisfaction of DG to the effect that the relevant fishing boats have not previously engaged in IUU fishing or their previous owners have no legal, beneficial or financial interest in or control of such boats (36).	DFAR		It is mandatory throughout the year
14	Reject applications for registration of fishing boats which have been purchased from foreign countries that have been re-flagged to avoid flag-State controls over IUU fishing (37).	DFAR		As required
15	Obtain the following additional information from the applicants for registration of local fishing boats (41). <ul style="list-style-type: none"> <li>Name, address and nationality of the person responsible for managing the operations of the fishing boat</li> <li>Name and ownership history of the fishing boat</li> </ul>	DFAR		Throughout the year (mandatory)
16	Include in the register of local fishing boats information in respect of which, licenses to engage in IUU fishing in high-seas have been rejected (42).	DFAR		Started from January 2013 and continued
17	Promulgate the proposed High-Seas Fishing Operations Regulations of 2013 once the proposed amendments to FARA are effected. The Regulations should include a form that has in addition to the information given in Paragraph	MFARD and DFAR	This is to be done once the proposed amendments to FARA are	From end of October 2013

	45 of SLNPOA-IUU for issuing operation licenses for fishing in high-seas to local fishing boats such as name of person authorized to fish, vessel monitoring system, catch reporting conditions, observer coverage, harbour to be used for landing and special conditions (if any) (46).		effected.	
18	Implement the requirement of maintaining logbook in respect of local fishing boats fishing in high-seas. (48).	DFAR		Started from January 2012 and continued
19	Promulgate the draft Port State Measures Regulations of 2013 (53).	MFARD and DFAR	This is to be done once the proposed amendments to FARA are effected.	From end of October 2013
20	Enhance the capacity for port State control by developing manpower and establishing the required infrastructure facilities (58).	DFAR, CFHC, SLN and SLCG		On going
21	Develop awareness on the impact of IUU fishing among all stakeholders in fish trade that include fishing boat owners and operators, fish collectors and suppliers, fish importers, fish processors, fish exporters, financiers and service providers (64).	DFAR		Continuously
22	Request for technical assistance from FAO or other appropriate international organization to developed harmonized commodity description and coding system for fish and fisheries products to promote the implementation of SLNPOA-IUU (65).	MFARD and DFAR		As required
23	Initiate action to standardize certification and documentation requirements and set up electronic schemes where possible to facilitate transactions and avoid opportunities for fraud (66).	DFAR and SLC		At the beginning of 2015
24	Request for technical assistance from FAO or other appropriate international organization to initiate research in the area of identification of fish species from samples of processed fish and fishing grounds (66).	MFARD, NARA, Universities		July of 2014
25	Establish a vessel monitoring system (VMS) (69).	MFARD and DFAR		July of 2014
26	Report biennially to FAO the progress of implementation of the FAO Code of Conduct for Responsible Fisheries together with the progress of implementation of SLNPOA-IUU (72).	DFAR		On going

