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Legal report on the ecosystem approach to fisheries in Sri Lanka

An analysis of the ecosystem approach to fisheries in selected
national policy and legal instruments of Sri Lanka

FAO EAF-Nansen Programme Report No. 61
EAF-N/PR/61 (En)



PROGRAMME REPORT

THE EAF-NANSEN PROGRAMME

The EAF-Nansen Programme “Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate and Pollution Impacts” supports partner countries and regional organizations in Africa and the Bay of Bengal improving their capacity for the sustainable management of their fisheries and other uses of marine and coastal resources through the implementation of the Ecosystem Approach to Fisheries (EAF), taking into consideration the impacts of the climate and pollution.

The Programme is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration with the Institute of Marine Research (IMR) of Bergen, Norway, and funded by the Norwegian Agency for Development Cooperation (Norad). This Programme is the current phase of the Nansen Programme which started in 1975.

The aim of the Programme is that sustainable fisheries improve food and nutrition security for people in partner countries. It builds on three pillars, Science, Fisheries Management, and Capacity Development, and supports partner countries to produce relevant and timely evidence-based advice for management, to manage fisheries according to the EAF principles and to further develop their human and organizational capacity to manage fisheries sustainably. In line with the EAF principles, the Programme adopts a broad scope, taking into consideration a wide range of impacts of human activities and natural processes on marine resources and ecosystems including fisheries, pollution, climate variability and change.

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By Julia N. Nakamura and Teresa Amador

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Abstract

Legislating for an ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, intersectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how the EAF is being implemented through national policy and legal frameworks, FAO developed [A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks](#).

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of Sri Lanka with the EAF. This assessment analysed the extent to which 82 EAF legal requirements, which are considered the minimum standards in legislating for an EAF, are reflected in Sri Lanka's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF.

This report was elaborated following a participatory approach with the involvement of the national competent authorities of Sri Lanka. Drafted in July 2021, the report was submitted to the national authorities of Sri Lanka in October 2021, and revised in October 2022. The National Aquatic Resources Research and Development Agency (NARA) and the Department of Fisheries and Aquatic Resources (DFAR) endorsed this EAF Legal Report in January 2023.

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This EAF Legal Report also benefitted from the important contributions of the National Aquatic Resources Research and Development Agency and the Department of Fisheries and Aquatic Resources, which provided substantive additional information valuable to this report. We are also grateful to the delegates of Sri Lanka who participated in the *Second Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (09–12 November 2020) and provided additional information relevant for the present report.

Abbreviations and acronyms

CEA	Central Environmental Authority (of Sri Lanka)
DFAR	Department of Fisheries and Aquatic Resources (of Sri Lanka)
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations
FMCC	Fisheries Management Coordinating Committee (of Sri Lanka)
FMP	fishery management plan
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IUU	illegal, unreported and unregulated (fishing)
MCS	monitoring, control and surveillance
MCSE	monitoring, control, surveillance and enforcement
MPA	marine protected area
NARA	National Aquatic Resources Research and Development Agency (of Sri Lanka)
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

1. Introduction: legislating for an ecosystem approach to fisheries

The Food and Agriculture Organization of the United Nations (FAO) has promoted the implementation of the ecosystem approach to fisheries (EAF) through various activities conducted over the last decades (FAO, 2019), many of which under the EAF-Nansen Programme (FAO, n.d). Among the many ways or processes through which the EAF can be implemented is the review of national policies and/or legislation, which provides a country the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policy and/or legal instruments for the EAF, and/or amending the existing ones so that they are appropriately aligned with the EAF.

FAO's initiative to promote legislating for an EAF has been undertaken through the development of studies, guidance materials and tools (Skonhoft, 2011; FAO, n.d-b; FAO, 2016; FAO, 2021a, 2021b, 2021c, 2021d, 2021e).

1.1 A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks

The latest material developed by FAO for the implementation of the EAF through national policy and legal frameworks, published in 2021, is [A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks](#) (hereafter referred to as “EAF Legal Diagnostic Tool” (FAO, 2021a, 2021c). This tool, which constitutes the basis for the development of the present report, provides important information about the EAF and should be read together with this report. Such relevant information includes a non-exhaustive list of international legal instruments that support the EAF (Appendix A of the EAF Legal Diagnostic Tool), and a non-exhaustive list of examples of selected national policy and legal instruments relevant for the EAF (Appendix B of the EAF Legal Diagnostic Tool).

The Appendix C of the EAF Legal Diagnostic Tool provides the EAF Legal Checklist for Assessment and Implementation of the EAF Policy and Legal Frameworks (hereafter referred to as “EAF Legal Checklist”), based on which the level of alignment of a country's policy and/or legal frameworks with the EAF and the 17 EAF Components can be assessed (FAO, 2016).

1.2 International legally binding instruments and non-legally binding instruments relevant to an ecosystem approach to fisheries

There are several international legally binding and non-legally binding instruments that provide for the EAF. The Appendix A of the EAF Legal Diagnostic Tool highlights, in a non-exhaustive list, selected provisions of international instruments or decisions relevant for the EAF. Other legally binding instruments in support of the EAF are the applicable conservation

and management measures of regional fisheries management organizations/arrangements (RFMO/As) which should also be taken into account, on a country-by-country basis, in the assessment of a given country's EAF commitments.

It should further be noted that provisions of international non-legally binding instruments that reflect principles of international law are also legally binding and therefore relevant in the analysis of the national policy and legal frameworks.

States which are a party to multilateral conventions or agreements, as well as States which adopt or endorse international non-legally binding instruments that reflect principles of international law have the duty to align their national policy and legal frameworks with the obligations that derive from such international and regional instruments.

In light of these considerations, Table 1 below provides the present status of Sri Lanka in respect to the EAF's relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

Table 1. Status of Sri Lanka in selected international legally binding instruments relevant to the EAF	
Instrument	Status
1971 Ramsar Convention on Wetlands of International Importance (Ramsar Convention)	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	Party

Note: In accordance with the information provided in the secretariats of the international conventions and agreements as of October 2022.

Sri Lanka **is a Party** to all the selected international legally binding instruments relevant for the EAF. For such instruments as well as for the non-legally binding instruments that Sri Lanka has endorsed or adopted, it is important to ensure that the relevant provisions of the EAF highlighted in Appendix A of the EAF Legal Diagnostic Tool are properly reflected in the national legal and policy frameworks.

2. Legal report on the ecosystem approach to fisheries: assessing a country's policy and legal framework

The EAF Legal Diagnostic Tool was the main tool used for the preparation of this report (hereafter referred to as the “EAF Legal Report”). Selected national policies and legislation were assessed and applied against the EAF Legal Checklist.

This section is divided into two subsections. Subsection 2.1 describes the methodology and scope, including the selection of the national policy and legal instruments relevant for the EAF and the assessment of the EAF legal requirements in such instruments by filling in the EAF Legal Checklist using the symbols under Table 3 below. Subsection 2.2 provides an overview of main findings, highlighting some specific parts of the policy instruments and legal provisions identified as good practice in legislating for or addressing the EAF, and summarizes the information provided by Sri Lanka under the EAF legal questionnaire.

2.1 Methodology and scope

Understanding the complexities, detail and broad range of matters that the EAF comprises is a challenge due to *inter alia* its holistic nature and the context and priorities of each country. A simplified assessment methodology was therefore developed for the application of the EAF Legal Checklist against the selected national policy and legal instruments, leading to the compilation of this report.

During the elaboration of this EAF Legal Report, the National Aquatic Resources Research and Development Agency (NARA) and the Department of Fisheries and Aquatic Resources (DFAR) (hereinafter referred to as “National EAF-Focal Point”) were contacted and provided additional information concerning the implementation of the EAF at national level, which has been included in this report.

This desk-based preliminary assessment cannot however replace an in-country detailed assessment of the national policy and legal frameworks.

2.1.1 Selection and collection of national policy and legal instruments of Sri Lanka

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic repository of national policy and legal instruments on fisheries and other sectors relevant for the EAF, including on environment, sea, water, and wild species and ecosystems.¹

¹ Notwithstanding the importance of certain cross-sectoral issues such as gender and climate change, these were not considered in this report.

Additional relevant information was provided by the National EAF-Focal Point, which, together with the relevant information for the EAF available at FAOLEX, is listed under **Appendix A** and identified by a reference letter and number to facilitate their citation in the EAF Legal Checklist provided in **Appendix B** of this report. Appendix A and Appendix B shall therefore be read together.

2.1.2 Desk-based stepwise assessment of selected national policy and legal instruments

The selected national policy and legal instruments relevant for the EAF under **Appendix A** of this report were assessed against the EAF Legal Checklist following the steps described in Table 2 below.

Table 2. Summary of the stepwise assessment		
Steps	National policy and legal instruments analysed	Scope
1st	Fisheries policy: a plan, policy, strategy, action plan, policy chart concerning fisheries, aquaculture, wildlife, sea and/or oceans, sustainable development, management and/or conservation.	Searching for the EAF legal requirements with a focus on the parts of the policy that address the principles, objectives, plans, priorities, recommendations, strategies and actions.
2nd	Fisheries primary legislation: a fisheries act, code, law, or any other type of instrument implementing the fisheries policy as well as the general law on fisheries, forestry and wildlife providing the legal framework for fishing and fishing related activities. It is the main legal instrument on fisheries, which contains the typical outline and broadly covers the subjects described in subsection 3.1 of the EAF Legal Diagnostic Tool. It should be noted that this typical outline is without prejudice to the particular structure of the fisheries primary legislation of the assessed country.	Searching for the EAF legal requirements in each provision of the fisheries primary legislation.
3rd	Fisheries secondary legislation implementing or elaborating the fisheries primary legislation: fisheries decree, regulation, order, ordinance which sets out in more detail the requirements of the fisheries primary legislation – concerning e.g. fishing vessel registration, fishing vessel requirements, vessel monitoring system (VMS), fisheries research, fisheries fund, small-scale fisheries.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary legislation.
4th	Other sector's primary legislation: an act, code or law on the relevant sectors of <i>inter alia</i> environment, sea, water, and wildlife species and ecosystems.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary and secondary legislation.
5th	Other sector's secondary legislation: a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Sri Lanka

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a step-wise methodology (FAO, 2021, Subsection 2.2), and in accordance with the typical subjects of a fisheries primary legislation, without prejudice to the particular structure of the fisheries primary legislation of Sri Lanka (FAO, 2021, Subsection 3.2). In filling it in, priority was given to assessing the EAF legal requirements in the fisheries

policies and primary/secondary legislation. In this process, the different symbols presented in Table 3 below were used.

Table 3. Meaning of the symbols used in the Ecosystem Approach to Fisheries Legal Checklist		
Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
Ø	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement.
X	None or inexistent	No part in the assessed policy nor provision in the assessed legislation was found that incorporates the EAF legal requirement.
●	Not considered	No assessment was carried out since the EAF legal requirement was fully or sufficiently found in the primary fisheries policy/legislation, or in the primary legislation of other sector.
N/A	Not applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

Note: A more in-depth analysis will be required to understand how EAF legal requirements filled in with the Ø symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.

The last two columns of the EAF Legal Checklist indicate: **(i)** the parts of the policy instruments and legal provisions where the EAF legal requirement was found; and **(ii)** additional relevant comments and explanatory notes that clarify, where appropriate, nuances in assessing the policy and legal instruments and the rationale for the assessment of partial or insufficient coverage of the EAF legal requirements. It should be noted that these additional comments and explanatory notes will benefit from a more in-depth analysis during the comprehensive review at country level.

The results of this assessment are presented in **Appendix B** of this report which provides the EAF Legal Checklist applied against the selected policies and legislation of Sri Lanka.

2.1.4 Additional observations

While filling in Appendix B, some parts of the policy framework and some provisions of the legal framework which in some cases are anchored in the Sri Lanka Constitution of 1978, as last amended in 2020, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing the EAF (in the case of a policy instrument) or legislating for the EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

2.1.5 EAF Legal Questionnaire of Sri Lanka

The National EAF-Focal Point filled in the EAF Legal Questionnaire, which was developed by the project to collect additional relevant information from the assessed country. The results of the questionnaire are summarised under the section below.

2.2 Overview and main findings

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in the selected national policy and legal instruments of **Sri Lanka** presented under **Appendix B** and a summary of the additional relevant information provided under the EAF Legal Questionnaire of Sri Lanka.

2.2.1 Fisheries policy

The assessed six fisheries policies correspond to A1 to A6 in Appendix A. They cover **33** of the 82 EAF legal requirements.

The *2022–2026 National Strategic Action Plan for Conservation and Sustainable Utilization of Mangrove Ecosystems* is founded on policy statements that align with the EAF, aiming at, *inter alia*, ensuring human and ecological wellbeing in mangrove areas through good governance and maintenance of optimal functioning of marine ecosystems; and awareness-raising among resource users and general public about mangrove conservation (Page 9). This Action Plan outlines several activities, and its respective indicators, responsible agencies and other agencies involved, timeframe and budget, under each of its strategic objectives. Activities include conducting research on species diversity, ecosystems functioning and dynamics, ecosystem services (Page 13); addressing direct and indirect threats to protected mangroves ecosystems (Page 16); and implementing fisheries management plans (FMPs) in selected estuaries (Page 20).

The *2020 National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing* (NPOA-IUU) is to be implemented as an integral part of the national FMP (Para 5). It is consistent with the International Plan of Action to Prevent, Combat and Deter IUU Fishing (IPOA-IUU), following principles and strategies of, *inter alia*, being subject to biannual review, incorporating new and improved measures (Para 9.2); seeking to enhance long-term sustainable utilization of fish stocks and protection of the marine environment (Para 9.4); being developed and reviewed in consultation with all relevant stakeholders, including fishers, fisheries researchers and non-governmental organizations (NGOs) in ensuring transparent decision-making for the policy's implementation and review (Para 9.5). The NPOA-IUU further outlines several measures adopted in Sri Lanka relevant to combat IUU fishing, such as fishing licensing system, prohibition of harmful fishing gears, biodiversity protective measures and designation of a Fisheries Management Coordinating Committee (FMCC) to develop FMP for each management area (Para 16). This plan also refers to various

legislation that details the requirements for flag State control (Paras 19–20), sanctions (Para 22 and Annex 1) and the monitoring, control and surveillance (MCS) scheme, including requirements on vessel's registration, vessel monitoring system (VMS) and data reporting (Para 25). The main future actions to be taken by the country in combatting IUU fishing and the responsible entities are also outlined (Annex 2).

The *Coastal Zone and Coastal Resource Management Plan of 2018* addresses five key issues, namely shoreline management, conservation of coastal habitats, control of coastal water pollution, special management area and regulatory mechanism, providing management objectives, related policies and strategies, and proposing actions for management in relation to each of such issues. Within the several proposed actions, there are many with particular relevance for the EAF, which include: establishing a national programme, in collaboration with universities and other research agencies, for regular monitoring of coastal erosion (Chapter 2[2.4]); supporting the implementation of actions under the Biodiversity Conservation Action Plan for the conservation of coral reef and associated biodiversity (Chapter 3[3.4]); establishing a suitable mechanism for interagency coordination and participation to promote sustainable use of mangrove resources (Chapter 3[3.4]); developing a communication plan to ensure better collaboration and participation of all stakeholders in Special Management Area for adopting a collaborative resource management process (Chapter 5[5.9]); carrying out outreach research programme to highlight the importance and value of hidden or unrecognized services of coastal ecosystems (Chapter 5[5.9]).

The *National Policy on Protection and Conservation of Water Resources, their Catchments and Reservations of 2014* is aimed at protecting and conserving all the water resources, their reservations, the conservation areas and immediate catchment areas to ensure the existence of water resources in Sri Lanka (Section 5). Under its five focused areas it is the identification, demarcation of boundaries, which requires special attention on protection and conservation of areas related to water resources when preparing development plans (Section 8[8.6]) and a holistic approach for the management of areas related to water resources (Section 8[8.9]). Another policy area relevant for the EAF is the monitoring and follow up action, requiring sharing of data and information on protection, conservation and management of water sources through the District Secretariat, Divisional Secretariat and Local Authorities and other institutions concerned (Section 10[10.5]). Awareness and participation of stakeholders and community are encouraged as well (Section 11). This policy sets out the mandate of the Land Use Policy Planning Development as the coordinating institute in implementing it, listing various implementing agencies as part of the Operational Committee (Section 13).

The *2008 National Policy and Strategy on Cleaner Production for Fisheries Sector* is aimed at, *inter alia*, achieving long-term sustainable utilization of fisheries and aquatic resources; ensuring fisheries as well as aquatic and coastal resources management and conservation; alleviating poverty and enhancing the living standards of fishers and coastal communities (Chapter 4). It also outlines relevant objectives, including to conserve the coastal and aquatic environment to ensure the long term sustainability of the ecosystem (Chapter 5) and several strategies, such as taking measures to conserve endangered species through awareness-raising among fishers and relevant stakeholders (Chapter 7.4); adopting closed seasons and

closed areas for fishing (Chapter 7.5); continuously updating sustainable fisheries management knowledge, data gathering, analysis, monitoring and evaluation as well as research (Chapter 7.10).

The *National Environmental Policy and Strategies of 2003* has objectives that align with the EAF, including promoting sound management of the environment in its entirety, balancing the social and economic development and environmental integrity, as well as linking activities, interests and perspectives of all groups, including people, NGOs and governments at both central and local levels (Chapter 2). One of its principles is ensuring that the use of living natural resources is wise, sustainable and consistent with ecosystems' integrity and evolutionary processes, and that the use of non-living resources is consistent with best environmental practice with due care for future generations (Chapter 2). This policy also provides statements relevant for the EAF such as the management of land, water, air, minerals and biodiversity in a manner consistent with the viability of ecological processes; environmental management through participatory, transparent, predictable and accountable decision-making processes at all levels; flexible and adaptable environmental management systems; and the adoption of the precautionary principle (Chapter 2). A specific section on fisheries and coastal and marine area management provides for the restriction, regulation and prohibition of activities threatening the coastal biodiversity; promotion of biodiversity and sustainability in the use of resources in coastal habitats focusing on threatened species and ecosystems; adoption of specific measures to protect coral reefs; adoption of fishing effort regulations and use of appropriate fishing gears; participatory process with the involvement of local communities in managing, conserving and sustainably using marine resources; promotion of research on coastal and marine resources; and encouraging cooperation between countries of the region in conserving the marine and coastal environment (Chapter 3).

2.2.2 Fisheries primary legislation

The assessed two fisheries primary legislation correspond to B1 and B2 in Appendix A. They cover **17** of the 82 EAF legal requirements.

The main fisheries primary legislation is the *Fisheries and Aquatic Resources Act of 1996*, as last amended in 2017 (hereinafter referred to as "Fisheries Act"), which sets out the mandate of the Director-General as the entity in charge of the administration and giving effect to the provision of the Act (Section 2(2)) and establishes the Fisheries and Aquatic Resources Advisory Council, ensuring that it is broadly represented by various stakeholders, including two persons engaged in fishing nominated by the National Fisheries Federation of Fisheries Organizations and two representatives of women fishers (Section 3(1)). The Secretary to the Ministry of the Minister has the duty to, in consultation with such Council, periodically prepare, from time to time, a plan for the management, regulation, conservation and development of fisheries and aquatic resources in Sri Lanka (Section 5). A fishing licensing scheme is provided for fishing operations in both Sri Lanka waters (Sections 6–14) and in the high seas (Sections 14A–14M). The Director-General is required to conduct long-term

education and training programmes to educate fishers on the regulations made under the Act and on guidelines of the Indian Ocean Tuna Commission (IOTC) (Section 14N).

The Fisheries Act requires the Director-General to maintain a register of licensed fishing boats operating in the high seas (Section 14D[1]) and a register of local fishing boats operating in Sri Lanka waters and in the high seas (Section 15[1][2]). It also provides relevant fishing gears control, including the prohibition on the use or attempting to use any poisonous, explosive or stupefying substance or other noxious or harmful matter to fish or other aquatic resources (Section 27[1][a]); prohibition on bottom trawl nets fishing operations towed by motorized fishing boats (Section 28A). Procedures for space and temporal controls are detailed therein as well, ensuring the right of fishers to request the Director-General to designate a specified area within national waters including the land adjacent thereto as a Fisheries Management Area, for which a FMP must be prepared by a FMCC, appointed by the Director-General for each Fisheries Management Area (Sections 31[1] and 31A[1]). Each FMP shall include proposals on *inter alia*: declaration of closed seasons; regulating times at which aquatic resources may be taken in that area; preservation of locations of scenic beauty or of cultural or ecological significance; consultation and review (Section 31B[1][2]).

The Fisheries Act allows for registered fisher residing or engaged in fishing or migrant fisher to form themselves into a fisheries committee for assisting its members in obtaining boats, gear and equipment to be used in fishing operations, and conducting other functions outlined therein, which are subject to control of the Director-General who may cancel the registration of such committee that is identified to be inactive or failing to conduct itself in the interests of its members (Section 32[1][2][6]). Each fisheries committee shall maintain a register of all fishers residing or engaging in fishing within their area of authority (Section 33[1]). Other relevant provisions relate to the settlement of fishing disputes among two or more persons engaged in fishing regarding the right to fish, time, manner or location of fishing, including the provision for any such disputes to be referred by the Director to an authorised officer, who is required to endeavour to settle the dispute by conciliation (Section 44[1][2]). The powers of authorised officers are outlined (Sections 46–48) as well as the offences and respective penalties (Sections 49–50).

The *Fisheries (regulation of foreign fishing boats) Act of 1979*, as last amended in 2018, provide for a permit scheme for foreign fishing vessels engaged in fishing and fishing related activities in Sri Lanka waters (Articles 4–6). The competent Ministry is empowered to establish reserved zones for fishing by local fishing vessels (Article 7). This Act also provides for powers of authorised officers (Articles 13–13B), details the offences and penalties (Articles 14–17), and the judicial procedures (Articles 18–25).

2.2.3 Fisheries secondary legislation

The assessed twenty-one fisheries secondary legislation corresponds to C1 to C21. They cover **16** of the 82 EAF legal requirements.

The *Blue Swimming Crab Fishery Management Regulation of 2022* provides for the fisheries management requirements for this specific fishery. The *Regulation on Fisheries Imposition of Fees of 2021* concerns the imposition of fishing licensing fees. The *Regulations on the Prohibition to Catch Fish spp thambuwa (cephalopholis sonnerati) of 2017* prohibits the harvesting of such species.

The *Prohibition of Use of Spears in Fishing Operations Regulations of 2017* prohibit the use or possession or having any spear gun on board any local fishing boat, as well as any person to engage in fishing using spear guns or hand held spears within Sri Lankan waters (Regulations 2–3).

The *Fish and Fishery Products, Export, Import and Re-export Management Regulations of 2017* provide relevant requirements for these trade activities and observance of relevant international standards, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Regulation 4) and measures established by RFMOS (Regulation 15). These regulations should be read in conjunction with the *Fauna and Flora Protection Ordinance of 1937*, as last amended in 2022, analysed in subsection 2.2.4 of this EAF Legal Report, as such ordinance also relates to CITES. The reference to CITES in the fisheries regulations is of utmost importance as an increasing number of aquatic species commercially exploited by the fisheries sector are included in CITES Appendix II (Nakamura and Kuemlangan 2020).

The *Implementation of Satellite based Vessel Monitoring System (VMS) for Fishing Boats Operating in High Seas Regulations of 2015* require fishing boats, supply or cargo vessels, reefers and carrier vessels with an overall length of 10.3 m or 34 feet or more to be fitted with a VMS device on board approved by the DFAR for high seas fishing operations (Regulation 2). They also require the master, skipper, owner or licensee of the fishing boat to ensure that the VMS device on board is activated at all times allowing four hourly automatic transmission of required information, which include registration number of the vessel, international call sign, International Maritime Organization (IMO) number and IOTC number (Regulation 3). Another important provision is the establishment of the Fisheries Monitoring Centre, which is responsible for 24 hours monitoring of any fishing vessel in the high seas (Regulation 4) and have the duty, in coordination with the service providers, to take steps to ensure the VMS devices on board function properly and are not tampered with, monitor fishing vessels at all times in the high seas and taking steps to ensure accuracy of the data (Regulation 8).

The *Conservation of Fish and Aquatic Resources within Sri Lanka Waters Regulations of 2017*, prohibits the discharge of industrial waste or domestic effluent directly or indirectly in those waters, the dumping of any pollutant, waste or foreign matter therein, the engaging in the removal, cutting or alteration of mangrove ecosystems grown in the coastal belt or in any area adjacent to those waters (Regulations 2–4).

The *Implementation of Port State Measures to Prevent, Deter and Eliminate IUU Fishing Regulations of 2015*, as last amended in 2017, require an authorization of the Director General of Fisheries for the landing, transshipping, packing or processing of fish taken outside Sri Lanka

waters by foreign fishing boats, or the obtaining of services such as resupplying, maintenance and drying docking for such boats at any port of Sri Lanka (Regulation 2). The procedures for the application for such a licence are detailed therein (Regulations 3–6). The obligations of the master, skipper or the captain of the foreign fishing boats that have been authorised to enter the port, are also provided, including inspection, cooperation with the inspector and reporting (Regulations 8, 9, 11–12).

The *Shark Fisheries Management Regulations of 2015* prohibit fishing operations in Sri Lanka waters that catch any shark species specified in its Schedule, including Thresher shark, Oceanic white-tip shark and Whale shark, except for the collection of museum, biological sampling for taxonomic study and research purposes (Regulation 2). The *Shark Fisheries Management (High seas) Regulations of 2015* provide the same prohibitions and restrictions on catching any of those specified shark species in fishing operations on the high seas.

The *Fishing Gear Marking Regulations of 2015* require all owners or operators of a fishing boat to mark all fishing gear according to specified parameters prescribed therein and in its Schedule I (Regulation 2). Further technical specifications on the markings are outlined in these Regulations, including the size of the flag and the colours of the markings. It also requires the owner or master of any fishing boat to inform the Director General of Fisheries with immediate effect of every abandonment or loss of fishing gear (Regulation 10), and the retrieve of lost or abandoned gear particularly if it presents a hazard to the navigation of surface and sub-surface boats, fouls reefs, fouls spawning beds, becomes an impediment to fishing or continues to ghost fish (Regulation 11).

The *High Seas Fishing Operations Regulations of 2014*, as amended in 2015, provide for the licensing scheme of high seas fishing operations (Regulations 2–4 and Schedules). They also provide specifications on marking of these licensed fishing vessels in accordance with FAO standards (Regulation 4[iii]); prohibit such boats from catching, landing, transporting, transshipping, receiving or keeping in possession any prohibited species such as marine mammals, turtles, Thresher Shark species or sea birds (Regulation 4[vi]); provide specific details on spatial and temporal controls (Regulation 4[xi]); and prevent any person granted with such licence to unload or tranship fish in any port of any other country (Regulation 5).

The *Fish Catch Data Collection Regulations of 2014* require all persons using registered mechanized fishing boat for fishing in Sri Lankan waters or on high seas to carry onboard a logbook issued by the DFAR during each trip (Regulation 2). It also requires all persons engaged in fishing to maintain a record of the catch in the logbook relating to each fishing trip and to submit it to the authorized officer for inspection if required (Regulations 3–4).

The *Prohibition of Catching Thresher Shark Regulations of 2012* apply to any fishing boats operated in Sri Lanka waters, or high seas and anchored in a Sri Lankan Port (Regulation 2). It prohibits the catching of Thresher Shark species of family *Alopiidae* when engaged in any fishing operation, recreational or sport fishing (Regulation 3). The owner or skipper of such fishing boat is subject to the obligation of realising to the sea the Thresher Shark species incidentally

caught and to record all the incidental catch and alive release in the logbook maintained for that purpose (Regulation 5).

The *Regulations on Lobster Fisheries Management of 2000* prohibits the purchasing, selling, transporting or being in possession of spiny lobster (Regulations 4 and 5), and outlines the procedure for obtaining a licence for engaging in catching spiny lobster within prescribed areas specified in its Schedule I (Regulations 2, 6, 7, and 9).

The *Landing of Fish Regulations of 1997*, as amended in 2008 and 2011, provides restrictions on landing of fish such as prohibiting the transferring, reloading or transshipping of fish taken outside Sri Lankan waters to any local or foreign fishing boat, unless these operations are conducted by mother vessels duly authorized for such purposes by the Director General of Fisheries (Regulation 2[2]).

The *Aquaculture Management Regulations of 1996* provide for the aquaculture licensing scheme. It grants the Director with the right to require an EIA report to the applicant for a licence to set up or operate an aquatic enterprise of Category D, as set out in Part I of the Schedule (Regulation 12).

The *Inland Fisheries Management Regulations of 1996* provide specific technical details on the licensing scheme for inland fisheries (Regulations 3–8 and 10–13) and empowers the Director to periodically limit the number of licenses that may be issued in any area within inland waters or to suspend licences for a specified period having regard to the sustainability of resources in any area or a particular water body (Regulation 9).

The *Fishing Operations Regulations of 1996*, as last amended in 2019, prohibit the catching, landing, transport, selling, buying, receiving or having in possession any marine mammals or turtles (Regulation 2[a]), as well as the undertaking of operations such as push net fishing, gill net or trammel net fishing on coral reefs or rocks (Regulation 2[b][i][iv]). It also provides for a licensing scheme, under which an application is to be made to an appointed Licensing Officer or the Director of Fisheries and Aquatic Resources prescribing the procedures to follow, fees, duration and the possibility of renewal of licenses (Regulations 4–19).

The *Purse Seine net Fishing Regulations of 1986* prohibit the operation of purse seine net with or without light attraction in prescribed areas described in its First Schedule (Regulation 2). It further prohibits, except otherwise permitted by the competent authority, the operation of purse seine net outside the prescribed areas (Regulation 3). The fishing licensing procedure to apply for a permit to operate purse seine net with or without light attraction is detailed therein (Regulations 4–10 and 15–20). Other prohibitions regarding the use of purse seine net are also specified (Regulations 11–14).

The *Registration of Fishing Boats Regulations of 1980* requires all fishing boats to obtain a certificate of registration, issued by the Director General of Fisheries or any officer authorized by the Director in that behalf (Regulation 2), being valid for one calendar year (Regulation 8). These regulations also detail the application process for obtaining such certificate, as well as

the procedures and requirements for the numbers assigned, code letters denoted to each category of boat and the district/division (Regulations 3–6). The identification marking and how the registration number should be displayed in the fishing boats are provided (Regulation 7). These regulations also require registration of engines that may be installed in a fishing boat (Regulation 11) and the possibility to cancel registration if the registered fishing boat is not in seaworthy condition (Regulation 12).

2.2.4 Other sectors primary legislation

The other sectors primary legislation corresponds to D1 to D8 in Appendix A.

The *Right to Information Act of 2016* elaborates on the right of access to information granted by Article 14A of Sri Lanka's Constitution of 1978, as last amended in 2020, establishing the right of every citizen to access to information which is in the possession, custody or control of a public authority (Section 3[1]), subject to prescribed specific cases where this access can be denied, for instance, when it could entail invasion of an individual's privacy (Section 5). Ministers and public authorities have the duty to maintain all its records in a form duly operationalized to facilitate the right of access to information (Section 7).

The duty of the State to protect, preserve and improve the environment for the benefit of the community is anchored in Article 27(14) of Sri Lanka's Constitution. In line with this provision, the *National Environment Act of 1980*, as amended in 1988 and 2000 (hereinafter referred to as "Environmental Act") establishes the Central Environmental Authority (CEA) and the Environmental Council, the former responsible for, *inter alia*, conducting, promoting and coordinating research in relation to any aspect of environmental degradation or prevention and developing criteria for the protection and improvement of the environment; publishing reports and information with respect to any aspects of environmental protection and management; providing information and education to the public regarding protection and improvement of the environment; establishing and maintaining liaison with other countries and international organizations with respect to environmental protection and management; and promoting, encouraging, coordinating and carrying out long range planning in environmental protection and management (Section 10[1][d][f][i][j][l]).

The Environmental Act requires the CEA, in consultation with the Ministry in charge of fisheries, to recommend to the Minister a system of rational exploitation of fisheries and aquatic resources within the national waters and encourage citizen participation therein to maintain and enhance the optimum and continuous productivity of such waters (Sections 18 and 20). Another relevant EAF provision is the duty of a project approving agency to, on receipt of an EIA report, by notice published in one newspaper in the Sinhala, Tamil and English languages, notify the place and times at which such report shall be made available for the public to make its comments (Section 23BB[2]). The competent Ministry is also empowered to, by order published in the Gazette, declare any area an environmental protection area (Section 24C).

The *Marine Pollution Prevention Act of 2008* establishes the Marine Environment Protection Authority, which is responsible for, *inter alia*, formulating and executing a scheme for the prevention, reduction, control and management of pollution from ship based activity and shore based maritime related activity in Sri Lanka waters; conducting research in collaboration with other institutions for such matters; taking measures to manage, safeguard and preserve Sri Lanka waters from any pollution caused by oil, harmful substance or any other pollutant (Section 6[b]–[d]).

The *National Aquatic Resources Research and Development Agency Act of 1981, as amended in 1996* establishes the National Aquatic Resources Research and Development Agency (NARRDA), which is the principal national institution in charge of carrying out and coordinating research, development and management activities on aquatic resources (Section 2). Among its powers the following are relevant for the EAF: to promote and conduct research activities for the identification, assessment, management and development of aquatic resources, including improvement and development of fishing craft, fishing gear, equipment and methods; and to coordinate activities of institutions engaged in the exploitation, planning, research, development, control and management of aquatic resources (Section 4[b][d]). This Act also establishes a National Aquatic Resources Management Council represented by various stakeholders, including a representative from the fishing vessels and fishing gear manufacturing industry, and a person from academia (Section 13). One of the duties of the Council is to prepare and keep under continual review the resources management development and research plan (Section 14).

The *Coast Conservation Act of 1981*, as last amended in 2011, outlines the responsibilities of the Director General of Coast Conservation and Coastal Management, which include the formulation and execution of schemes of work for coast conservation and coastal management; coordination of activities of other departments, institutions and agencies in connection with activities carried out within the Coastal Zone; preparation and implementation of the Coastal Zone Management Plan; and the implementation of the coast conservation and coastal resources management programmes specified in the National Fisheries Policy (Section 4[c][d][g]). A Coast Conservation and Coastal Resource Management Advisory Council is established to, *inter alia*, review the Coastal Zone Management Plan and furnish recommendations and review the environmental impact assessment (EIAs) and make comments (Section 7[b][c]). The Director General of Fisheries is also responsible for preparing and submitting to the Advisory Council, a coastal resource management plan with guidelines for the management of coastal resources and a comprehensive programme for conservation of coastal resources for sustainable development (Section 12[1]). This plan is made available for public inspection and any person may, within 60 days, submit any comments in writing to the Minister (Section 12[3]). Such plan is also to be reviewed every five years (Section 12[1A]). A permit procedure for the undertaking of any development activity other than a prescribed development activity within the Coastal Zone is provided therein, which include the requirement to furnish an EIA as may be required by the Director-General (Sections 14–16).

The *Merchant Shipping Act of 1971*, as last amended in 2019, provides that the Director is the Chief of Registrar of Sri Lanka Ships (Section 11). All ships, including fishing vessels, must be

registered in the Registrar, except: those not exceeding 15 tonnes net; boats licensed under the Boats Ordinance; ships referred to in specific orders under specific conditions stipulated by the Minister (Sections 31, 32 and 46).

The *Fauna and Flora Protection Ordinance of 1937*, as last amended in 2022, empowers the competent Minister to, by order published in the Gazette, declare a National Reserve and part of such national reserve to be a strict natural reserve, or a national park, or a nature reserve, or a jungle corridor, or a refuge, or a marine national park (Section 2). This Ordinance also requires the carrying out of a study that includes an investigation of ecological consequences of proposed changes in the boundaries or the disestablishment of a national reserve or sanctuary (Section 2[5]). Management plans for national reserves and sanctuaries must be implemented and monitored according to an approved plan made by the Director General of Fisheries and subject to an evaluation within five years of the date of adoption of such plan (Section 2A[4][b]). The Director General of Fisheries may, prior to carrying out any activity under a management plan, required an EIA (Section 2B). The recent amendment modified Section 71 to include, among the matters to be regulated by the Minister, those which: are necessary for the enforcement of the provisions of CITES; and the appointment of ad hoc committees to support the recommendations on any CITES permit (Section 71[fa][fb]). This provision should be noted by fisheries authorities as well, given the growing concern with the inclusion of aquatic species commercially exploited by the fisheries sector in CITES Appendices (Nakamura and Kuemlangan 2020). Hence, if such committee is created, it is important that it includes representatives from the fisheries sector to ensure coordination with respect to aquatic species included in CITES Appendices.

2.2.5 Other sectors secondary legislation

The other sectors secondary legislation corresponds to E1 to E6 in Appendix A.

The *Right to Information Regulations of 2017* regulate the Right to Information Act examined in subsection 2.2.4. It provides further requirements to the procedures for requesting information, registering such request, and the decision by the public authority to provide the information requested (Regulations 3–18). It also details requirements on the use and reuse of information (Regulation 19), and the duties of the Information Officers (Regulation 21).

The *Marine Environmental Protection (Waste Reception Facilities) Regulations of 2017* subjects the Marine Environment Protection Authority or any service provider to the obligation of, *inter alia*, provide adequate and effective waste reception facilities within or outside any port, harbour, terminal, repair yard of ships, dry dock, anchorage or off shore marine related facility or any other marine related facility in Sri Lanka to enable any ship using such port, harbour, terminal, repair yard or ships, dry dock, anchorage or off shore marine related facility or any other marine related facility or transversing Sri Lanka waters or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka to discharge any waste without causing undue delay to such ship (Regulation 3).

The *Marine Environmental Protection (Issuance of permits for dumping at sea) Regulations of 2013* provide for a permit scheme for the dumping of any harmful substances or any pollutant referred in its Schedule I, such as dredged materials, sewage sludge, fish waste or material resulting from industrial fish processing operations (Regulation 2).

The *Sea Mammals (Observation, Regulation and Control) Regulations of 2012* detail the licensing scheme for vessels being plied for taking visitors to observe natural habitats of sea mammals (Regulations 3–14), with a view to ensure to the greatest extent possible the peaceful and natural existence of all sea mammals in Sri Lanka waters (Regulation 2).

The *Coast Conservation Regulations of 1983* detail the particulars to be provided with an EIA, which include the description of the initial ecological state of the area, a statement setting out the measures proposed to reduce to the minimum the risk of damage to the environment from carrying out the operations and the alternatives to such measures, an indication of the measures to be taken for the protection of the environment from pollution and other adverse effects during and at the end of the proposed operations (Regulation 6[b][f][g]).

2.2.6 Additional relevant information from the National EAF-Focal Point

The fisheries sector interacts with the following sectors and institutions:

- Environment - Department of Coast Conservation and Coast Resources Management, National Aquaculture Development Authority; National Aquatic Resources Research and Development Agency; Central Environmental Authority; Department of Wildlife Conservation; and Department of Forest Conservation, Marine Environment Protection Authority.
- Oil and gas: Petroleum Resources Development Secretariat

Intersectoral activities include: preparation of FMPs for designated management area by the FMCC; development of implementing regulations; consultation prior to declaration of fisheries reserves; initial environmental examination (IEE), EIA and impact monitoring studies relating to Colombo Port City Development; sea sand mining and beach nourishment; activities related to inland fisheries and aquaculture development; IEEs and EIAs relating to seismic surveys to investigate hydrocarbon potential.

The following projects were reported as having been implemented following the EAF: CENERA Project; and the “Sri Lanka – Norway Bilateral project” to improve the management of the fish resources of Sri Lanka as detailed below.

“Sri Lanka – Norway Bilateral project” (Phase 1: 2016–2019 and Phase 2: 2020–2022) had three outcomes: improved collection, storage and use of fisheries dependent data; NARA scientists have increased capability to plan, conduct and report findings from fisheries independent surveys according to scientifically recognized norms; and management decisions are in accordance with the precautionary approach and are based on improved scientific research and fisheries statistics. Four challenges were highlighted: lack of sufficient funding

for project activities; training on Norwegian research vessel not possible due to lack of spare capacity to accommodate Sri Lankan participants; natural or man-made disaster (climate change related disaster, pollution); and key personnel in Sri Lanka and Norway without enough time to devote to project.

3. Conclusion

3.1 Main gaps in the assessed policy and legal instruments

Some of the EAF legal requirements in the EAF Legal Checklist in **Appendix B** were not incorporated (X) or were only partially incorporated (Ø) by the assessed policy and legal instruments of Sri Lanka identified under **Appendix A**. This subsection summarizes the main gaps from the desk-based preliminary assessment without prejudice to others that may be identified in a comprehensive analysis of the national policy and legal frameworks at country level.

Of the 82 EAF legal requirements, **53** EAF legal requirements were found in Sri Lanka's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for the EAF which may be further elaborated and improved in advancing the implementation of the EAF. Based on the present preliminary assessment, **29** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Sri Lanka.

The assessed policy and legal instruments did not reflect important EAF concepts namely with regard to maintaining ecological relationships among harvested, dependent and associated species, as required under EAF Component 1. The assessed instruments also did not provide for the establishment of well publicized public meetings or hearings, under EAF Component 3, the promotion of international cooperation for effective integrated management of aquatic ecosystems, under EAF Component 5, nor for conflict management over fisheries and the conflict management review process, as required under EAF Component 7.

A major gap was noted with respect to controls on fishing operations and FMPs. The assessed policy and legal instruments lack provisions on catch/output controls, namely total allowable catch (TAC) and additional catch limits, as well as on outlining specific requirements on effort controls, which are relevant under EAF Component 9. They also lack provisions on the need to comply FMPs with established integrated management plans for aquatic ecosystems, the process for approval, adoption and publication of FMPs, their drafting process with stakeholder participation and periodical review, as well as minimum requirements of FMPs, as provided under EAF Component 10.

In respect of MCSE, which is of particular relevance to the fisheries sector, no requirements were found in the assessed policy and legislation which does not provide for an observer scheme and related requirements, as part of the EAF Component 11. Under the same EAF Component 11, the assessed legislation does not require a VMS for fishing vessels operating in Sri Lanka Waters and does not specify the information to be recorded in the register of all licenses granted under the Fisheries and Aquatic Resources Act to be maintained by the Director General. Also relevant to the same EAF Component no requirements were found in the assessed policy and legal instruments on cooperation and coordination among fisheries and maritime authorities throughout the registration process and clarifications are required

on the process. EAF research also lacks specific reference to EAF principles and objectives and the consideration of EAF research in the adoption of conservation and management measures, in line with EAF Component 13.

The designation of authority responsible for establishing the protection of threatened and endangered species as well as protected areas has also not been found in the assessed policy and legal instruments, nor the respective stakeholder participation and procedures to follow, as required under EAF Component 14. Authorization prior to planned introduction of species was also not found in such instruments, which indicate a gap under EAF Component 15.

3.2 Level of alignment of the assessed policy and legal instruments with an ecosystem approach to fisheries

In determining the level of alignment of the assessed policy and legal instruments with the EAF in the EAF Legal Report, the following criteria were used:

Number of EAF legal requirements incorporated in the assessed policy and legal instruments	Percentage of the 82 EAF legal requirements incorporated	Overall level of alignment with the EAF
0–30	0–36%	Low
31–50	37–61%	Low-medium
51–61	62–75%	Medium
62–72	76–87%	Medium-high
73–82	88–100%	High

The policy and legal instruments of Sri Lanka, assessed in this Report, incorporate **53** out of the 82 EAF legal requirements, therefore indicating a **medium** level of alignment with the EAF.

3.3 Final considerations and proposed way forward

Legislating for an EAF is complex and challenging. Due to the numerous national policy and legal instruments relevant to the EAF, this EAF Legal Report should be considered as a desk-based preliminary assessment. It provides the initial basis upon which countries can advance the work towards improving their national policy and legal frameworks in alignment with the EAF, contributing to the ultimate goal of sustainability in fisheries.

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments to which Sri Lanka is a Party, as identified under subsection 1.2 above, should be a priority in the improvement of the EAF implementation at the national level. The relevant EAF provisions from the international non-binding instruments that reflect principles of international law should also be incorporated in the national policy and legal frameworks.

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of the EAF in the country. Noting that the Fisheries and Aquatic Resources Act is under review, consideration should be given to assess the gaps identified in this report in coordination with other amendments that may be provided to other relevant policy and legal instruments assessed.

The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “principles and objectives”, “institutional arrangements” (especially conflict management and integrated management of aquatic ecosystems), “control on fishing operations” (especially TACs, fishing efforts and licensing), “fisheries management” (particularly FMPs and aspects of integrated management of ecosystems), “conservation measures” (especially regulation of introduction of species), “fisheries monitoring and research”, and “MCSE” (especially observer scheme, VMS, record and registration of fishing vessel and cooperation and coordination on the process among the relevant authorities).

The review of the policy and legal instruments with respect to “control on fishing operations”, “fisheries management”, “fisheries monitoring and research” and “MCSE” could be led by fisheries whereas others, such as “principles and objectives”, “institutional arrangements” and “conservation measures”, would require a more active involvement of other sectors in the review of their transversal relevant provisions.

This preliminary assessment is aimed at assisting legal practitioners, policymakers and fisheries managers in taking the necessary steps for improving the EAF implementation in their country.

The review of national policies and/or legislation is one of the many ways or processes through which an assessment of the implementation of the EAF can be conducted. It provides a country with the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policies and/or legal instruments for the EAF, and/or amending the existing ones to bring them fully in line with the EAF.

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Appendix A. List of national policy and legal instruments assessed in this report

Identification	Instruments of SRI LANKA
A	Fisheries Policies
A1	2022–2026 National Strategic Action Plan for Conservation and Sustainable Utilization of Mangrove Ecosystems of Sri Lanka
A2	2020 National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
A3	2018 Coastal Zone and Coastal Resource Management Plan
A4	2014 National Policy on Protection and Conservation of Water Resources, their Catchments and Reservations in Sri Lanka
A5	2008 National Policy and Strategy on Cleaner Production for Fisheries Sector
A6	2003 National Environmental Policy and Strategies
B	Fisheries Primary Legislation
B1	1996 Act No. 2 on Fisheries and Aquatic Resources, as last amended in 2017
B2	1979 Act No. 59 on Regulation of Foreign Fishing Boats, as last amended in 2018
C	Fisheries Secondary Legislation
c1	2022 Regulation on Blue Swimming Crab Fishery Management
c2	2021 Regulation on Fisheries Imposition of Fees
c3	2017 Regulations on the Prohibition to Catch Fish spp thambuwa (cephalopholis sonnerati)
c4	2017 Regulations No. 1 on Prohibition of the Use of Spears in Fishing Operations
c5	2017 Regulations on Conservation of Fish and Aquatic Resources within Sri Lanka Waters
c6	2017 Regulations on Fish and Fishery Products, Export, Import and Re-export Management
c7	2015 Regulations on Implementation of Satellite based Vessel Monitoring System for Fishing Boats Operating in High Seas
c8	2015 Regulations on the Implementation of Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as last amended in 2017
c9	2015 Regulations on Sharks Fisheries Management (High Seas)
c10	2015 Regulations on Sharks Fisheries Management
c11	2015 Regulations No. 1 on Fishing Gear Marking
c12	2014 Regulations No. 1 on High Seas Fishing Operations, amended in 2015
c13	2014 Regulations on Fish Catch Data Collection
c14	2012 Regulations on Prohibition on Catching Thresher Sharks
c15	2000 Regulations on Lobster Fisheries Management
c16	1997 Regulations on Landing of Fish, as amended in 2008 and 2011
c17	1996 Regulations on Inland Fisheries Management
c18	1996 Regulations on Fishing Operations, as last amended in 2019
c19	1996 Regulations on Aquaculture Management
c20	1986 Regulations on Purse Seine Net Fishing
c21	1980 Regulations of Registration of Fishing Boats

Identification	Instruments of SRI LANKA
D	Other Sector's Primary Legislation
D1	2016 Act No. 12 on the Right to Information
D2	2008 Act No. 35 on Marine Pollution Prevention
D3	2008 Act No. 26 on Environment Conservation Levy
D4	1981 Act No. 57 on Coast Conservation, as last amended in 2011
D5	1981 Act No. 54 on National Aquatic Resources Research and Development Agency, as amended in 1996
D6	1980 Act No. 47 on the Central Environmental Authority, as amended in 1988 and 2000
D7	1971 Act No. 52 on Merchant Shipping, as last amended in 2019
D8	1937 Fauna and Flora Protection Ordinance, as amended in 1964, 1993 and 2009
E	Other Sector's Secondary Legislation
E1	2017 Regulations on the Right to Information
E2	2016 Regulations No. 35 on Marine Environmental Protection (Waste Reception Facilities)
E3	2013 Regulations on Marine Environmental Protection (issuance of permits for dumping at sea)
E4	2012 Regulations No. 1 on Sea Mammals (Observation, Regulation and Control)
E5	2006 Regulations No. 1 on Prohibition of the use of equipment for exploration, mining and extraction of sand and gem
E6	1983 Regulations on Coast Conservation

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

Appendix B. Ecosystem Approach to Fisheries Legal Checklist applied against selected national policy and legal instruments

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		Scope and definitions							
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	X	✓	✓	✓	(A2) Chapter 2 (A3) Chapter 1 (c14) Regulations 2–3 (p7) Section 2 (E2) Regulation 2	
		Principles and objectives							
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities C.7 Conflict management	2.	– Clearly define and apply the precautionary approach.	✓	X	X*	X	X	(A6) Chapter 2 and Annex	
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	•*	✓	•	(A3) Chapter 5(5.9) (A4) Sections 7(7.4) and 11 (A6) Chapter 2 (B1) Section 3 (p5) Section 13 (p6) Sections 18 and 20	
	4.	– Ensure the right of access to fair and transparent information.	X	X	X*	✓	✓	(p1) Entire Act (p4) Section 4(e) (p5) Section 4(e)	Provision in (p4) concerns dissemination and publication of information on coast conservation and

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
and C.11, C.13, C.14 and C.17								(E1) Entire Regulation	coastal resource management. Provision in (D5) concerns dissemination and publication of information and data useful for the development of aquatic resources and the fishing industry.
	5.	– Promote institutional coordination, cooperation and integration.	✓	X	X*	✓	●	(A3) Chapters 3(3.4) and 5(5.9) (A4) Section 13 (A6) Chapter 2 (D4) Section 4(c) (D5) Section 4(d) (D6) Section 10(1)(l)	
	6.	– Maintain ecological relationships among harvested, dependent and associated species.	∅	X	X*	X	X	(A1) Page 6	Reference in (A1) is limited to mangrove ecosystems.
	7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	X	X*	✓	●	(A5) Chapters 4 and 7 (A6) Chapter 2 (D6) Sections 17 and 18	
	8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	X	X*	X	X	(A1) Page 6 (A3) Chapter 3(3.4) (A5) Chapters 4, 5, 7 (A6) Chapters 2 and 3	

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	X	X*	X*	X*	(A1) Page 6 (A5) Chapters 4, 5, 7 (A6) Chapter 2	
	10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	X*	∅*	X*	(A3) Chapter 2(2.4) (A4) Sections 7(7.3) and 10(10.2) (A5) Chapter 7.10 (A6) Chapter 2 (D5) Section 14(b) (D8) Section 2A	Provision in (D5) empowers the National Aquatic Resources Management Council to prepare and keep under continue review the resource management development and research plan.
	11.	– Harmonize management measures, including those for shared resources.	X	X	X*	X*	X*		
	12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	X	X	X*	X*	X*		
	13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	X	X*	X*	X*	(A1) Page 6 (A5) Chapters 4 and 5 (A3) Chapter 5(5.9)	
	14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	X*	X*	X*	(A1) Pages 10–29 (A2) Pages 51–52	Reference in (A1) is limited to mangrove ecosystems.
	15.	– Provide for the establishment of MCSE measures.	✓	X	X*	X*	X*	(A2) Para 25	
	16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	X*	∅*	●*	(A1) Page 13 (A4) Section 11(11.6) (A6) Chapter 3 (D4) Section 4(f)	Reference in (A4) fosters research that directly contribute to the protection and

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(p5) Section 4(c)	conservation of water sources. Reference in (A6) promotes research on coastal and marine resources. Reference in (p5) does not require the promotion of an ecosystem-based research.
	17.	– Promote the right of access to education and awareness raising on EAF.	✓	∅	X*	✓*	●*	(A1) Page 11 (A4) Section 11(11.2) (A6) Chapters 2 and 3 (B1) Section 14N (p2) Section 6(i) (p6) Section 10(1)(i)	Provision in (A4) requires the promotion of education in the protection and conservation of the areas related to water sources and not specifically on EAF. Provision in (B1) requires long-term education and training programmes to educate fishers on regulations made under the Act and awareness-raising on conservation measures and marine pollution.
		Institutional arrangements							
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	X	X	✓*	●*	(A3) Chapter 5(5.9) (p8) Entire ordinance	

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
C.4 Stakeholder participation	(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	X	X	✓*	●*	(A3) Chapter 5(5.9) (A4) Section 8(8.1, 8.5 and 8.6) (p8) Entire ordinance	
C.5 Coordination, cooperation and integration	19. – Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	X	X	✓*	●*	(A1) Page 8 (A2) Paras 29 and 31 (p2) Section 6(f)	Provision in (p2) does not specifically require cooperation at bilateral and regional level but the promotion of adherence to all international conventions and relevant protocols.
C.7 Conflict management								
C.8 Integrated management of aquatic ecosystems	20. – Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:	✓	X	X	∅*	X*	(A3) Chapter 5(5.9) (p8) Entire ordinance	Provision in (p8) does not provide a transparent process for the establishment of nature reserves.
	(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	X	X	∅*	X*		
	(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	X	✓*	●*	(A1) Page 20 (A5) Chapter 7 (B1) Section 31B (p6) Section 12	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	✓	X	X*	X*	(A3) Chapter 3(3.4) (A4) Section 13 (B1) Section 31A	
	(d) monitor, assess and align the various environmental policies and plans.	X	X	X	✓*	●*	(p8) Section 2A	

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	X	X	X	X*	X*		
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	✓*	●*	(A3) Chapters 2(2.4) and 5(5.8) (D4) Sections 4(d)(g), 6-7, 12	
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	✓	X	X	∅*	X*	(A3) Chapter 2(2.4) (D5) Section 14(b)	Provision in (D5) empowers the National Aquatic Resources Management Council to prepare and keep under continue review the resource management development and research plan.
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	X	X	X	✓*	●*	(D4) Sections 7 and 12(5)	
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	X	✓*	●*	(A4) Section 13 and Schedule 1 (B1) Sections 2 and 3 (D2) Section 6 (D4) Sections 4 and 7 (D5) Sections 2 and 4 (D6) Sections 7(3) and 10	

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	X	✓	●	(A3) Chapters 3(3.4), 4(4.4) and 5(5.9) (A4) Section 10(10.5) (A6) Chapter 3 (B1) Section 32 (D6) Section 12	
		(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	X	X	✓	●	(A3) Chapter 5(5.9) (A6) Chapter 3 (D4) Section 25 (D6) Section 10(1)(j)	
		(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	✓	X	X	X	(A3) Chapter 5(5.9) (A4) Sections 11(11.3) and 12 (B1) Section 32	
		Stakeholder participation, coordination, cooperation and integration							
C.4 Stakeholder participation C.5 Coordination, cooperation and integration	23.	– Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	X	✓	X	✓	●	(B1) Sections 3(1) and 31A(2) (D2) Sections 3 and 14 (D4) Section 6 (D5) Section 13 (D6) Sections 3 and 7	
C.6 Integration of lower level	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	X	X		

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
authorities, bodies and stakeholders	25.	– Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	X	✓	X	(p4) Section 12(3) (p6) Section 23BB(3)	
C.8 Integrated management of aquatic ecosystems	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	X	X	∅	X	X	(c6) Entire regulation	(c6) provides relevant requirements that operationalize international standards and contribute to effective integrated management of aquatic ecosystems.
		Fisheries management Catch/output controls							
C.9 Controls on fishing operations	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	X	X	X	N/A	N/A		
C.10 Fishery management plans	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	X	X*	N/A	N/A		
C.17 Monitoring and review	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	X	N/A	N/A		
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	• not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
		Effort/input controls							
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	✓	✓	✓*	N/A	N/A	(A2) Para 16 (B1) Sections 6–14M (B2) Articles 4–6, 10–12 (C12) Regulations 2–4 and Schedules (C15) Entire regulations (C17) Regulations 3–8, 10–13 and Schedule (C18) Regulations 4–8 and Schedule (C19) Regulations 3–21 and Schedule (C20) Regulations 4–6 and 15–20	Provisions in (C18) lacks monitoring and compliance, suspension and revocation of license for non-compliance.

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	• not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	35.	– Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirement of a fee and conditions that may be attached to licenses.	X	✓	✓*	N/A	N/A	(b1) Sections 6–14M (c17) Regulations 3–8, 10–13 and Schedule (c18) Regulations 4–8 and Schedule (c19) Regulations 3–21 and Schedule	
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	∅	X	∅*	N/A	N/A	(A6) Chapter 3 (c17) Regulation 9	Reference in (A6) provides for the adoption of fishing effort regulations. Provision in (c17) concerns limitation on issuance of inland fisheries licenses.
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X*	X*	✓	N/A	N/A	(c20) Regulations 19–20	
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	X	∅*	N/A	N/A	(c19) Regulation 19	Provision in (c19) is limited to aquaculture licenses.
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	X	∅*	N/A	N/A	(c17) Regulation 9	Provision in (c17) concerns effort control in inland waters.
		Fishing gear and method controls							
C.9 Controls on fishing operations C.10	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	∅	✓	✓	N/A	N/A	(A5) Chapter 7.4 (A6) Chapter 3 (b1) Sections 27, 28 and 29A (c12) Regulation 4(ix)	References in (A5) and (A6) provide for the use of appropriate fishing gear to ensure sustainable fishing.

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Fishery management plans C.17 Monitoring and review								(c20) Regulations 1–3 and 7–14	
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	✓	✓	•*	N/A	N/A	(A2) Para 16 (B1) Section 27	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	∅	✓	✓	N/A	N/A	(A5) Chapter 7.4 (B1) Sections 28–28A (C4) Regulations 2 and 3 (C18) Regulation 2(b) (C20) Regulations 1–3 and 7–14	Reference in (A5) is very general in setting up the strategy of developing environmentally friendly and cost-effective fishing gear but does specify the requirements.
		Spatial and temporal controls							
C.9 Controls on fishing operations c.10 Fishery management plans c.17 Monitoring and review	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).	✓	✓	✓*	N/A	N/A	(A2) Para 16 (A5) Chapter 7.5 (B1) Sections 31, 31B and 34 (C12) Regulation 4(xi)	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	✓	∅*	N/A	N/A	(B1) Sections 31–31B and 34 (B2) Article 7 (C17) Regulation 9	Provision in (C17) concerns spatial control in inland waters.
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	X	✓	•*	N/A	N/A	(B1) Sections 31–31B	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	46.	– Establish technical details and specifics on spatial controls.	X*	X*	✓	N/A	N/A	(c12) Regulation 4(xi)	
		Fishery management plans							
C.9 Controls on fishing operations	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	✓	✓	•*	N/A	N/A	(A2) Para 16 (B1) Sections 5 and 31B	Reference in (A2) refers to the FMCC to prepare the FMP for each management area.
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	X	X	X	X*	X*		
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	X	∅	X*	N/A	N/A	(B1) Section 31B	Provision in (B1) does not refer to the periodical review of the FMP.
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	X	∅	X*	N/A	N/A	(B1) Sections 31A–31B	Provisions in (B1) do not refer to the review of the FMP at a minimum within five years of its adoption.
	51.	– List the minimum requirements in the FMPs:	X	X	X*	N/A	N/A		
C.10 Fishery management plans		(a) management objectives that take into account EAF;	X	X	X*	N/A	N/A		
		(b) biological description of fishery and ecosystem in which it takes place;	X	X	X*	N/A	N/A		
		(c) social, economic and institutional aspects of the fishery;	X	X	X*	N/A	N/A		
		(d) species composition and levels of bycatch, both retained and discarded;	X	X	X*	N/A	N/A		
C.17 Monitoring and review		(e) ecological relationships between harvested, dependent and associated species;	X	X	X*	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	(f) impact of other anthropogenic activities on the ecosystem; and		X	X	X*	N/A	N/A		
	(g) a review of the relationship with other coastal or marine resource management plans.		X	X	X*	N/A	N/A		
	Conservation measures								
C.14 Habitat and biodiversity conservation and restoration	52.	– Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	✓	✓	✓*	•*	•	(A1) Page 13 (A2) Para 16 (A3) Chapter 3(3.4) (A6) Chapter 3 (B1) Sections 29, 37 (c3) Entire regulations (c9) Entire Regulation (c10) Entire Regulation (c14) Entire Regulation (c15) Regulations 4, 5,6 and 8	
	53.	– Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	∅	∅	✓*	✓*	✓	(A3) Chapters 2(2.4) and 3(3.4) (A6) Chapter 3 (B1) Section 37 (c12) Regulation 4(vi) (c15) Regulations 4, 5,6 and 8	Reference in (A3) requires enforcing the ban on coral mining and enforcing legislation to prevent degradation of coral habitats. Reference in (A6) requires the restriction, regulation and prohibition of activities

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(c18) Regulation 2(a) (p8) Schedule II (E4) Entire Regulation	that are a threat to coastal biodiversity, and adoption of specific measures for protecting coral reefs. Provision in (b1) is limited to imposing restrictions in fisheries reserves declared by Order of the Minister published in the Gazette.
	54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	∅	X*	✓*	●	(A6) Chapter 3 (B1) Section 36 (D4) Section 25 (D6) Section 10(1)(l)	Provision in (b1) is limited to coordination between the Ministers in charge of fisheries and of conservation of wildlife with respect to declaring fisheries reserves.
	55.	– Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	∅	∅	X*	∅*	X	(A5) Chapter 7.4 (B1) Section 29 (D8) Section 34 and Schedules	References in (A7) is relevant to the protection of endangered species, but does not detail the process of designating protected species. Provision in (b1) concerns the prohibition of catching, landing, transport, selling, buying, receiving or having in possession prohibited species of fish or other aquatic resources. Provisions in (D8) do not provide for consultation in the designation of protected species.

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.		∅	∅	X*	∅*	X	(b1) Section 36 (p6) Section 24C (p8) Section 2	Provision in (b1) concerns the process for establishing fisheries reserves and does not consider stakeholder participation. Provisions in (p6) and (p8) do not consider stakeholder participation in the establishment of environmental protected areas and nature reserves.
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.		✓	X	X*	X*	X	(A6) Chapter 3	
	56. – Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.		✓	X	X*	∅*	X	(A1) Page 9 (A3) Chapter 3(3.4) (A6) Chapter 3 (A5) Chapter 7 (p6) Section 10(1)(i)	Provision in (p6) concerns the duty of the CEA to provide education to the public regarding environmental protection and improvement.
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57. – Adopt measures to: (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.		✓	✓	✓	✓	✓	(A3) Chapters 3(3.4) and 4(4.4) (A5) Chapter 7 (A6) Chapter 3 (b1) Section 27(3) (c5) Regulations 2–5 (p2) Sections 6(d), 21–25	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(p6) Sections 23H–23V (E2) Entire Regulation (E3) Entire Regulation	
		(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	✓*	X*	X*	X	X	(A6) Chapter 3	
		(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	X	✓	X	X	(c12) Regulations 10 and 11	
	58.	– Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	∅	X	X	X	X	(A6) Chapter 3	Reference in (A6) requires rigorous testing prior to introduction of alien species into inland water bodies.
C.16 EIS or EIA	59.	– Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	∅	X	X	✓	X	(A3) Chapter 2(2.4) (p4) Sections 14	Reference in (A3) requires the implementation of mitigatory measures recommended through EIA/IEE to minimizing adverse impacts in the coastal zone from coastal structures and other schemes.

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	• not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	60.	– Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	✓	X	✓	✓	✓	(A3) Chapters 2(2.4) and 6(6.6) (c19) Regulation 12 (p6) Sections 23A–23BB (p8) Section 2B (E6) Regulations 3–4	
	61.	– Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures.	✓	X*	X*	✓	✓	(A3) Chapter 6(6.6) (p8) Section 2B (E6) Regulation 6	
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	✓	X*	X*	✓	✓	(A3) Chapter 6(6.6 and 6.7) (p4) Sections 14–16 (p6) Sections 23, 23AA–23FF (E6) Regulations 5–8	
		Fishery monitoring and research							
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	✓	X	X*	∅	X*	(A1) Page 13 (A3) Chapter 5(5.9) (A6) Chapter 3 (p5) Sections 4–5	Provisions in (p5) concern the mandate of the agency responsible for research and includes EAF relevant research.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	X	X*	✓	X*	(A1) Page 13 (p2) Section 6(c) (p4) Section 4(f)	

Perceived level of alignment with the EAF legal requirement

<div> <div>✓ full</div> <div>∅ partial</div> <div>X none</div> <div>• not assessed</div> <div>N/A not applicable</div> <div>* optional</div> </div>									
EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(p5) Sections 4–5 (p6) Sections 10(1)(d) and 23	
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on interspecies interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	∅	X	X*	X	X*	(A1) Page 13	Reference in (A1) concerns research on mangroves ecosystems.
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	∅	X	X*	X	X*	(A1) Page 15	Reference in (A1) concerns research on mangroves ecosystems.
		MCSE							
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	X	X	N/A	N/A		
	68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.	X	X	X	N/A	N/A		
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	X	X	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	✓	∅	∅	N/A	N/A	(A2) Para 25 (B1) Section 14B(4)e (C7) Regulations 2–3 (C8) Regulations 11	Provision in (B1) requires VMS for vessels licensed to fish in ABNJ. Provisions in (C7) require VMS for fishing vessels operating in the High Seas and in (C8) to foreign fishing vessels using a port in Sri Lanka.
	71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).	✓	X	✓	N/A	N/A	(A2) Para 25 (C8) Regulations 12 (C12) Regulation 4(vii–viii) (C13) Entire Regulation	
	72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	✓	∅	X	X	N/A	(A2) Para 25 (B1) Sections 14D	Provision in (B1) requires the Director General of Fisheries to maintain a record of all licenses but does not specify the information to be recorded.
	73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of	∅	X	✓	∅	N/A	(A2) Para 25 (C7) Regulations 2–3 (D7) Section 48	Reference in (A2) does not require the recorded information to include all the required information namely with regard to the flag, state and any previous flag states, and to the IMO number.

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.								Provision in (p7) does not include all the information, e.g., on radio call sign and AIS
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.		∅	∅	✓	✓	N/A	(A2) Para 25 (B1) Section 15 and 16 B (C21) Entire Regulation (P7) Sections 31–36	Reference (A2) does not detail all the information of the registration process, and provision in (B1) provides for the registration of local fishing vessels.
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.		X	X	✓	N/A	N/A	(C11) Regulations 2–9 (C12) Regulation 4(iii) (C21) Regulation 6 (P7) Sections 39	Provisions in (C11) does not detail the specification on marking of fishing vessels and in (C12) does not detail the specifications on marking of fishing gear.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.		X	X	X	N/A	N/A		
77.	– Ensure authorized officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.		✓	✓	∅	N/A	N/A	(A2) Para 25 (B1) Sections 46–48 (B2) Articles 13–13B (C8) Regulation 8 and Schedule IV	Provision in (C8) grant the fisheries inspector with inspections powers at port.
78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.		X	∅	✓	N/A	N/A	(B1) Section 14C c) (C8) Regulation 2 (C12) Regulation 5	Provision in (B1) places controls on landings as part of the license terms and conditions.

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	• not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(c14) Regulations 4 and 6 (c16) Entire Regulation	
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	X	∅	N/A	N/A	(c7) Regulations 8–20	Provisions in (c7) does not specify the details on the registration process.
		Enforcement processes and sanctions scheme							
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	✓	✓	X	∅	X	(a2) Para 22 and Annex 1 (b1) Sections 49–50 (b2) Articles 14–17 (p8) Various sections	Provisions in (p8) do not clearly provide for penalties according to the level of severity and that ensure its strength over time.
	81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	✓	X	X	X	(b1) Sections 44–45, 51–52	
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	✓	X	✓	X	(b1) Sections 51–57 (b2) Articles 18–25 (p8) Section 60E	

The ecosystem approach to fisheries (EAF) is a risk-based management process for the planning, management, development, regulation and monitoring of fishing and fishing-related activities. EAF addresses ecological consequences of fishing as well as social, economic and institutional aspects of fisheries sustainability. Adequate legislation and regulatory frameworks are key to successful implementation of the EAF. The continuous review and update of information on legislation and regulatory instruments require the analysis of existing legal frameworks at all levels of governance, to assess whether they remain in force, valid and aligned with international fisheries law standards, including the EAF. The present work was prepared with a view to assess the level of alignment of national policy and legal frameworks of Sri Lanka. Based on this preliminary assessment, policy-makers, legal practitioners and fisheries managers can take the necessary steps for improving the EAF implementation in their country. These steps could involve the amendment of existing legislation and/or enactment of new legislation and development of new policies to bring fully in line with the EAF.

For more information:

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