

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

**Department of Fisheries and Aquatic Resources
New Secretariat Building
Maligawatta
Colombo 10
Sri Lanka**

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ABBREVIATIONS

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

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EXECUTIVE SUMMARY

The fisheries industry of Sri Lanka contributes significantly to the nutrition, employment and food security, foreign exchange earnings, and government revenue of the country, and therefore its sustainability has become a primary concern in the country's economic development. Sri Lanka perceives illegal, unreported and unregulated fishing (IUU fishing) as a serious threat to the sustainability of the fisheries both in national jurisdictions and high seas, and agrees that such fishing has to be prevented, deterred and eliminated. Hence it is crucial that we remain vigilant and stay ahead of the illegal operators in Sri Lankan waters, regional waters and high seas. IUU fishing depletes fish stocks through overfishing and is a serious threat to our region's food security. It also results in large economic losses to coastal States and can significantly damage marine environments and fish habitats. Sri Lanka is also committed to co-operate with other States, both directly and through the Indian Ocean Tuna Commission (IOTC) or where necessary through any other Regional Fisheries Management Organization, to prevent, deter and eliminate IUU fishing.

This document, which is titled the Sri Lanka National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (SLNPOA-IUU), represents a shared vision to tackle the issue, contains the measures that are being implemented and those proposed to be adopted for implementation to combat IUU fishing activities conducted by local fishing boats in Sri Lanka waters, waters of national jurisdictions of other coastal States, and high seas, and by foreign fishing boats in Sri Lanka waters. It also contains port State measures that are being

implemented against foreign fishing boats engaged in IUU fishing in high seas and seek access to ports in Sri Lanka to obtain port services, land their catches.

Fisheries of Sri Lanka is governed by Fisheries and Aquatic Resources Act (FARA), provisions are being administered by the Department of Fisheries and Aquatic Resources (DFAR). FARA was amended in 2013 incorporating provisions to implement measures, which are needed to combat IUU fishing activities conducted by local fishing boats in high seas and waters in national jurisdictions of other States. These provisions include heavy penalties for violators, which were enhanced by further amendment to the FARA in 2015 and 2016. A series of regulations have been issued for the purpose of giving effect to these provisions.

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

SLNPOA-IUU covers all marine capture fisheries within Sri Lankan waters and beyond, and includes an integrated approach involving Coastal State measures, Flag State measures, Port State measures and Market State measures where applicable. All local stakeholders that include fishing boat owners, fishing boat skippers and fishers, fish traders and exporters, fisheries managers, fisheries law enforcement officials, fisheries researchers and NGOs have been made aware of the SLNPOA-IUU.

SLNPOA-IUU ensures that measures against IUU fishing are consistent with the conservation and sustainability of fisheries resources and protection of the marine environment. Development of SLNPOA-IUU has been done in consultation with all local stakeholders that include fishing boat owners, fishing boat skippers and fishers, fish traders and exporters, fisheries managers, fisheries law enforcement officials, fisheries researchers and NGOs. Decision-making in its implementation is being done in a transparent manner. Implementation of the SLNPOA-IUU is

being done without any discrimination against any individual, any local or foreign fishing boat or any State.

SLNPOA-IUU gives effect to the relevant provisions of the IPOA-IUU. Most provisions of the SLNPOA-IUU are legally binding as they are based on provisions of the national legislation. Other provisions such as training of staff are implemented administratively. Accordingly, SLNPOA-IUU serves as an integral part of the national fisheries management regime. Budgetary provisions are being made annually from the national budget for its implementation. Implementation of the SLNPOA-IUU is coordinated by the Fisheries Management Division of DFAR, which is the Division of DFAR entrusted with management of fisheries.

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

This revised NPOA-IUU reflects the intent and actions promoted in the FAO's 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and build on the success of implementing previous editions of 2013 and 2015.

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

1. INTRODUCTION

1.1 Back ground

The long-term sustainability of the marine fisheries resources of Sri Lanka and its fisheries exports are threatened by IUU fishing. At the global level the major impacts of IUU fishing includes loss of marine biodiversity and habitats, reduction in food security and economic loss to coastal States. Globally, economic loss from IUU fishing has been estimated to be between \$ 10 billion and \$ 23.5 billion annually. As marine resources are an important source of protein for world population, IUU fishing is a severe threat to food security of the world. IUU fishing has also been associated with organized transnational maritime crime such as people smuggling, marine wild-life trafficking, drug trafficking and weapons trafficking in some part of the world.

As Sri Lanka recognizes that IUU fishing is a critical problem at the global level, regional level and national level, particularly in developing countries whose coastal communities are dependent on fishing for their sustainable livelihoods. Accordingly, Sri Lanka's National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU), represents Sri Lanka's commitment to concerted global efforts to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. It also contains port State measures that are under implementation against foreign fishing boats engaged in IUU fishing in high seas and seek access to ports in Sri Lanka to land their catches. The NPOA-IUU has developed in accordance with the principles and provisions of the FAO IPOA – IUU.

1.2 International actions to combat IUU fishing

Global concerns about continuing IUU fishing and its devastating impacts on the sustainability of fisheries resources have resulted in concerted international

action through the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) which was adopted by consensus at the Twenty-fourth Session of COFI on 2 March 2001.

The objective of the IPOA-IUU is to combat illegal, unreported and unregulated (IUU) fishing by providing all states with comprehensive, effective and transparent measures by which to act, including through appropriate regional fishery management organizations (RFMOs) or arrangements established in accordance with international law. The IPOA-IUU called on States to develop and implement NPOAs –IUU by June 2004, to further achieve the objectives of the IPOA-IUU and to give effect to its provisions as an integral part of their fisheries management programmes and budget. The IPOA-IUU serves as a comprehensive “tool box” of measures to address IUU fishing in a range of situations and contexts. The IPOA-IUU contains general measures targeted at all States, as well as measures targeted specifically at flag States, coastal States and port States. It also contains market-related measures, ways to support the special requirements of developing countries in their achievement of the objectives of the IPOA-IUU and measures to be taken by States through RFMOs. Some of the IPOA-IUU provisions reflect obligations that many States have accepted as binding, either through internationally agreed instruments, RFMOs or through national legislations.

1.3. Overview of impacts of IUU fishing on Sri Lanka

IUU fishing can occur within areas of national jurisdiction or on the high seas. This continues to be of particular concern and challenge for Sri Lanka because country has considerably large exclusive economic zone.

IUU fishing continues to threaten Sri Lanka’s fishing interests. It causes:

- Damage to fish habitats through destructive fishing practices
- Rapid and severe depletion of fish stocks
- Reduced value and condition of fish due to poor handling
- Threat to fisheries officers

1.4 Sri Lanka's fisheries profile

The fisheries industry of Sri Lanka contributes significantly to the nutrition, employment and food security, foreign exchange earnings, and government revenue. Over the past several decades around 1.3 % of the GDP of the country has come from fisheries. The total number of persons employed both directly and indirectly in the industry is over 585,000. In 2019 Sri Lanka has produced a total of 505,830 tonnes of fishery products comprising 415,490 tonnes of marine fish and 90,340 tonnes of inland fish, and earned an amount of USD 299 million by exporting 28,771 tonnes (estimated wet whole-fish equivalent 37,772 tonnes) of fishery products mainly comprising tuna and other large pelagic fish, and shrimp, crab and lobster. The same year Sri Lanka has imported a total of 95,637 tonnes of fishery products (estimated wet whole-fish equivalent 134,153 tonnes) mainly comprising dried fish, Maldivian fish (salted and smoked skipjack tuna) and canned fish at a value of USD 218 million. The trade balance in international fish trade is in favour of Sri Lanka both in terms of value and volume. Fish contributes over 50 percent to the animal protein intake of the people of Sri Lanka. Sri Lanka's marine fishing fleet consists of 48,976 boats, of which about 19,176 are small traditional crafts. The coastal and offshore fishing fleet consists of 25,600 motorized one day boats and 4,200 are multiday fishing boats. High seas fishing fleet is around 1,500 where more than 99% of the boats are less than 24m in length and only 23 are larger than 24m. Considering the important role played by the fisheries industry in economic development of Sri Lanka every successive government that came to power since Independence have taken steps to develop it on a sustainable basis.

Fisheries of Sri Lanka are governed by Fisheries and Aquatic Resources Act, No. 2 of 1996 as amended by Acts No. 4 of 2000, 4 of 2004, 22 of 2006, 35 of 2013, 2 of 2015, 2 of 2016 and 11 of 2017, provisions of which are administered by the DG of Department of Fisheries and Aquatic Resources (DFAR). By the 2013 amendment, provisions were incorporated in FARA to implement measures, which are needed to combat IUU fishing activities of local fishing boats in high-seas and waters in national jurisdictions of other States. By 2015 and 2016 amendments, penalties for engaging in IUU fishing were enhanced.

2. NATURE AND SCOPE OF SLNPOA-IUU

(IPOA-IUU paragraphs 3 -7)

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

6. in this document:

6.1. Illegal fishing refers to fishing activities conducted:

- (a) By local or foreign fishing boats in Sri Lanka waters in contravention of the laws and regulations of Sri Lanka;
- (b) By local fishing boats in high seas in contravention of the laws and regulations of Sri Lanka, or conservation and management measures adopted by IOTC or other relevant Regional Fisheries Management Organization (RFMO);

- (c) By local fishing boats in waters under the jurisdiction of another State, without the permission of such State, or in contravention of its laws and regulations;
- (d) By boats flying the flag of States that are parties to IOTC or another RFMO but operate in contravention of the conservation and management measures adopted by IOTC or such other RFMO and by which the States are bound, or relevant provisions of the applicable international law;

6.2. Unreported fishing refers to fishing activities:

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

6.3. Unregulated fishing refers to fishing activities:

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

are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

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

6.5. Local fishing boat means any fishing boat:

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

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

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

6.8. Sri Lanka waters means:

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

(d) The area declared to be the historic waters of Sri Lanka by proclamation made under Section 9 of the Maritime Zones Law, No. 22 of 1976;

(e) All public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, channels and all other public inland or internal waters.

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

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

3. OBJECTIVES AND PRINCIPLES

(IPOA-IUU paragraphs 8 and 9)

9. Consistent with the IPOA-IUU, Sri Lanka's NPOA-IUU based on the following overarching principles and strategies:

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

9.2. SLNPOA-IUU is to be reviewed biennially and revised by incorporating adjustments or changes required to address the issues encountered in its implementation. So there are minimal delays in responding to emerging issues. New and improved measures continue to be developed.

9.3. SLNPOA-IUU covers all marine capture fisheries within Sri Lanka waters and outside, and includes an integrated approach involving coastal State measures, flag State measures, port State measures and market State measures where applicable. All local stakeholders that include fishing boat

owners, operator, skippers, master and fishers, fish traders and exporters, fisheries managers, fisheries law enforcement officials, fisheries researchers and NGOs are aware of SLNPOA-IUU.

9.4. SLNPOA-IUU is consistent with, and seeks to enhance, the long-term sustainable utilization of fish stocks and the protection of the marine environment.

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

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

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

- www.fisheriesdept.gov.lk[D1]

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

ALL STATE RESPONSIBILITIES

International Instruments

(IPOA - IUU paragraphs 10 – 15)

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

11. Sri Lanka is also a party to the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the

Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement). Sri Lanka has ratified the UN Fish Stocks Agreement on 24 October 1996.

12. Sri Lanka has acceded to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement). Sri Lanka Acceded to FAO Compliance Agreement on 29 August 2014.

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

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

15. There are provisions in FARA for giving effect to the international instruments referred to in Paragraphs 10 to 14 above. Sri Lanka's commitment to preventing, deterring and eliminating IUU fishing goes back several decades. New management, surveillance and enforcement measures introduced over the past period of time continue to deter IUU fishing activity.

16. Sri Lanka has developed its system of management of fisheries in its waters, i.e. the EEZ, territorial sea and internal waters, and in high seas in accordance with the guidelines stipulated by the FAO Code of Conduct for Responsible Fisheries. FARA provides legal provisions required for managing fisheries in Sri Lanka waters and fishing operations conducted by local fishing boats in high seas. Important provisions include requirement of registration of fishing boats used or intended to be used for fishing in Sri Lanka waters or high seas, requirement of fishing operation licenses for engaging in fishing operations in Sri Lanka waters or high seas, prohibition of the use of explosives including dynamite, and poisonous and stupefying substances or other harmful material for fishing, enhanced penalties for destructive fishing, provisions for the Minister to prohibit the export from or import into Sri Lanka of any species of fish including live fish and their eggs or spawn with a view to protection of fish species and biodiversity, and declare

fishery management areas, fisheries reserves, and closed or open seasons for fishing with a view to conservation. Orders to implement such provisions have been published in the Gazette. Amendments effected to FARA as referred to in Paragraph 15 above also provide for DG to appoint a fisheries management coordinating committee (FMCC) for each fisheries management area and such FMCC to prepare and submit to DG a fisheries development and management plan for the respective fisheries management area.

National Legislation

(IPOA Paragraphs 16 – 23)

Legislation

17. As mentioned in paragraph 4 above the Fisheries and Aquatic Resources Act, No. 2 of 1996 (FARA) as amended by Acts No. 4 of 2000, 4 of 2004, 22 of 2006, 35 of 2013, No. 2 of 2015, no 2 of 2016 and no 11 of 2017 is the main Act that governs fisheries in Sri Lanka. In addition, illegal fishing activities by foreign fishing boats are controlled using provisions available under the Fisheries (Regulation of Foreign Fishing Boats) Act, No. 59 of 1979 (FFBA) as amended by Act 1 of 2018[D2]. FARA contains provisions required to deal with IUU fishing conducted by local fishing boats or foreign fishing boats in Sri Lanka waters, and by local fishing boats in high seas or waters under the national jurisdictions of other coastal States. Such provisions include provisions for licensing of fishing operations of local fishing boats in high-seas, prohibiting local fishing boats from fishing in waters under the national jurisdictions of other coastal States except in accordance with laws of such States, requiring that license issued for fishing in high-seas to be carried at all times on fishing boat and produce for inspections by authorized officers on demand, imposing a penalty of not exceeding two years imprisonment or a fine of not less than LKR 1.5 million to LKR 150 million [D3]depending on the length of the boat concerned for fishing in high-seas without license or unauthorized fishing in waters under the national jurisdictions of other coastal States, and for the Minister to make regulations to give effect to Sri Lanka's obligations under the UNCLOS, UN Fish Stocks Agreement and FAO Port State Measures Agreement, and resolutions adopted by IOTC. Regulations have been made to give effect to these provisions (Annex 1). [D4]New regulations

will be made to give effect to newly introduced conservation and management measures.

18. Electronic and other new technological evidence is admissible under laws of Sri Lanka in accordance with the Evidence (Special Provisions) Act, No. 14 of 1996[D5]. Therefore, electronic and other new technological evidence could be used in legal proceedings against IUU fishing.

State Control over Nationals

19. With the introduction of the multi-day fishing boat in mid-1980s Sri Lanka nationals have gradually engaged in high seas fisheries. [D6]Some Sri Lankan fishing boats have unknowingly or even knowingly strayed into waters of national jurisdictions of neighbouring coastal States and Indian Ocean territories of some other States for fishing. With the amendments effected to FARA incorporating provisions concerning fishing by local fishing boats in high seas and in waters of national jurisdiction of other coastal States (Sections 14A – 14N) and regulations made to give effect to such provisions it is possible to control fishing activities of local fishing boats conducted outside Sri Lanka waters, and deter and prevent them from engaging in IUU fishing activities.

20. Sri Lanka as a policy does not grant investment approval to its nationals to undertake investments if such investments involve in registering fishing boats under the flag of another State that does not meet its flag State responsibilities under the international law.

21. Under the FARA Sri Lankan nationals are not allowed to work in foreign flagged fishing vessels which are involved[D7] in IUU fishing. [D8]

Vessels without Nationality

21. Sri Lanka does not facilitate vessels without nationality and are considered to be IUU vessels. If there is reasonable suspicion that a fishing vessel having granted access to Sri Lanka port has been proved to be engaged in IUU fishing activity, that vessel is not allowed to land fish in port or perform any activities at ports according to the provisions of the regulations “Implementation of [D9]Port State

Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing Regulations 2015”

Sanctions

FARA No. 2 of 1996

22. Sanctions are imposed against IUU fishing in Sri Lanka waters by local fishing boats under the provisions in Section 49 of FARA. Sanctions are being periodically reviewed in order to deter IUU fishing. The amendments to FARA affected by Acts, No. 35 of 2013, 2 of 2015, No2 of 2016. The penalties for violation of such management measures are given in Annex 1. Under the section 52(1) (2) of the FARA provide provisions to Director General to compound offences except section 27 for first offender with the approval of the Minister. [D10]

With a view of expediting action against IUU fishing activities, a new section has been incorporated to FARA No.2 of 1996 (No. 2 Of 2016), giving powers to Director General to impose monetary penalty for violation of section 14A (without high seas operation license), 14E (carried onboard operation license) , 14F (prohibition on fishing in foreign waters) or 14G(comply management and conservation measures) and any regulations made under 61 (1) (t) (regulations regarding international and regional treaties or 61(1) (u) (regulate export and import fishery products).

FFBA No. 59 of 1979

The sections 15–17 of FFBA No. 59 of 1979 has been amended in 2018 imposing penalties depending on the length of the boat concerned for territorial sea and EEZ. The sanctions against IUU fishing in Sri Lanka waters by foreign fishing boats include heavy fines, surcharge of repatriation costs of the crew, and forfeiture of the relevant fishing boat and fishing equipment, and the fish catch.

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Non Co-operating States

23. Sri Lanka does not cooperate with or support any State, which is not a member or cooperating non-member of an RFMO or a member State that is engaged in IUU activities.

Economic Incentives

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

Monitoring, Control and Surveillance (MCS)

25. The following MCS activities are being implemented by DFAR.

- A scheme for issuing fishing operation licenses to fish in Sri Lanka waters in accordance with the Fishing Operations Regulations of 1996 made under the provisions in Sections 6 – 14 of FARA (Gazette, No. 948/25 of 07 November 1996) and a scheme for issuing fishing operation licenses to fish in high seas in accordance with the High Seas Fishing Operations Regulations, No. 1 of 2014 as amended 2015 made under the provisions in Sections 14A – 14N of FARA (Gazette, No. 1878/12 of 01 September 2014, No. 1945/6, 2015. 12. 14).

A register of local fishing boats used for taking fish in Sri Lanka waters and a register of local fishing boats for used for taking fish in high seas where the name and address of the owner, number of crew members, and description of the fishing boat with regard to the type of boat, material of construction, length, engine type and capacity, Colour photographs of the vessel showing the starboard side and portside of the vessel, each showing the whole structure, the bow of the vessel, at least one of the photographs clearly showing at least one of the external markings

of name of the vessel and registration number etc. are recorded under the provisions of Sections 15, 16, 16A, 16B, 17 - 26 of the FARA. These [D11] registers are maintained electronically.

- A land based fisheries monitoring centre (FMC) with a satellite based vessel monitoring system. Use of transponders has been made compulsory for the local high seas multiday fishing boats fishing in offshore waters by the amendment made by Regulations published in Gazette No. 1730/9 of 01 November 2011 to the Registration of Fishing Boat Regulations, 1980 (Gazette No. 109 of 3 October 1980) as amended by Regulations published in Gazette, No. 1430/4 of 30 January 2006, and all foreign fishing boats fishing in high seas, which have been issued with fish landing permits to land their catches in a port of Sri Lanka by Implementation of Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, Unregulated, Fishing Regulations 2015 (Gazette, No. No.1907/47 of 26 March 2015). Local fishing boats of over 10.3m (34 ft) fishing in high seas are required to have satellite based vessel monitoring system (VMS) unit fitted the vessels that must be switched on at all times in accordance with the Implementation of Satellite Based Vessel Monitoring System for Fishing Boats Operating in High Seas. VMS units provide information about the location and activity of the vessels in real time.
- Fish Catch Data Collection Regulations, 2014 made under paragraph (1), m and (s) of subsection (1) of Section 61 of FARA (Gazette, No. 1878/11 of 01 September 2014) require all mechanized local fishing boats to maintain a logbook issued by DFAR, maintain a record of the fish catch of each fishing trip in the logbook, and produce a certificate of the fish catch to the authorized officer in a prescribed form on demand or at the end of every three months.
- All high seas fishing vessels greater than 24m in length are being deployed with on board observers under the provisions of high seas fishing operation Regulations No.1 of 2014. Since deployment of onboard observer is not feasible due to safety aspects Sri Lanka is being conducting trial project on

electronic monitoring system(EMS) and crew base observer programme for the less than 24m.

- Personnel in FMC have been provided with the necessary knowledge and training in VMS activities. A radio communication network has been established to facilitate communication between fishing boats and district fisheries offices or FMC. Fishers are encouraged to be vigilant of IUU fishing activities and report such activities to district fisheries offices or the MCS Division through the radio communication network or by other means[D12].
- Officers of the SLNavy and the SLCG, SL Police, SL Customs and Port Authority, CHFC, Industry personnel, fishers and other stakeholders are continuously being made aware of IUU fishing activities through seminars, workshops, leaflets, posters, mass media and social media. A documentary film is also being developed for use in awareness programmes.
- FARA (Section 46) provides for DG to authorize officers not below the rank of Fisheries Inspector to implement its provisions, and for such authorized officers including the officers of SLNavy and the SLCG, SL Police, SL Customs and Port Authority, CHFC to among other things stop, go onboard and search any fishing boat in Sri Lanka waters or any local fishing boat engaged in fishing in high seas and examine such boat, its crew, its fishing gear and other equipment, and fish catch. If an authorized officer has reasons to believe that an offence has been made he may seize such boat together with its fishing gear and equipment and fish catch, and arrest any person, and commence legal proceedings. [D13]
- A record of local fishing boats apprehended for IUU fishing that include registration number and name and address of owner and operator, offence, place of apprehension and penalty imposed is maintained by the Investigation Division of DFAR, which is the Division of DFAR entrusted with control of fisheries.

- Community-based fisheries management, as an effective surveillance tool for artisanal fisheries, is in place for better management of the resources.

National Plans of Action

(IPOA-IUU Paragraphs 25 – 27)

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

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

28. Implementation of SLNPOA-IUU is coordinated by FMD. Progress of the implementation of SLNPOA-IUU is evaluated by the Coordination Committee referred to in Paragraph 5 above.

Cooperation between States

(IPOA-IUU Paragraphs 28 -31)

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

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

30. As mentioned in Paragraph 12 above Sri Lanka has acceded to the 1993 FAO Compliance Agreement. Legal provisions have been incorporated into FARA to license fishing operations conducted by local fishing boats in high-seas. As required by Article IV of that Agreement, a record of local fishing boats authorized to fish in high-seas is being maintained. As required by Article VI of that Agreement Sri Lanka provides information on local fishing boats to FAO. As per the relevant resolutions adopted by IOTC, Sri Lanka continues to provide IOTC with the required information on local fishing boats authorized to fish in high-seas. More over information on the flag vessels those reported on IUU fishing are being bilaterally communicated with relevant coastal state to prevent any IUU activities in the region.

31. Director (Fisheries Management) Department of Fisheries and Aquatic Resources (Tel/Fax 94-11-2446291, dfmd@fisheries.gov.lk, dfmd@gmail.com) is the initial formal contact point for exchanging of information in respect to implementation of SLNPOA-IUU. Website of DFAR is www.fisheriesdept.gov.lk/.

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

Publicity

(IPOA-IUU Paragraph 32)

33. Identified IUU fishing activities and actions taken against such activities are given due publicity. Posters in fishery harbours, press communiqués, national media, and the website of DFAR are used for this purpose.

Technical Capacity and Resources

(IPOA-IUU Paragraph 33)

34. The national budget of Sri Lanka provides funds to the DFAR for implementation of the national fisheries management programme. As SLNPOA-IUU is an integral part of the national fisheries management programme, funds provided by the national budget include funds required to implement the SLNPOA-IUU. In addition, the SLN, SLCG, SLPA, CFHC, NARA and SLC which also have roles in implementation of the SLNPOA-IUU too get funds from the national budget for their activities. The technical capacities of DFAR and other organizations to implement SLNPOA-IUU are being continuously enhanced through national training programmes, and where possible through training programmes conducted at regional or global levels. Skippers and fishers of local fishing boats engaged in fishing in high seas are also made aware of new conservation and management measures when such measures are introduced.

FLAG STATE RESPONSIBILITIES

Fishing Vessel Registration

(IPOA-IUU Paragraphs 34 -41)

35. According to Section 15 of FARA and the Registration of Fishing Boats Regulations, 1980 (Gazette No. 109 of 03 October 1980, Gazette, No. 948/24 of 07 November 1996 and Gazette, No. 1430/4 of 30 January 2006) no person could use a local fishing boat to fish in Sri Lanka waters unless a certificate of registration is issued in respect of such fishing boat by DG. This requirement has been extended to cover high-seas by the amendment effected to Section 15 of FARA by the Act, No. 35 of 2013. Currently all local fishing boats irrespective of whether they are used for fishing in Sri Lanka waters or high seas are registered under the Registration of Fishing Boats Regulations, 1980.

36. Only local fishing boats could be registered in Sri Lanka. The definition of local fishing boat is given in Paragraph 6 (Section 6.5) above.

37. If an application is received to register a fishing boat of foreign origin as a local fishing boat such fishing boat is registered as a local fishing boat only if the applicant could produce proof to the satisfaction of DG to the effect that the fishing boat concerned has not previously engaged in IUU fishing or its previous owner or operator has no legal, beneficial or financial interest in or control of it.

38. Chartered fishing boats of foreign origin are not registered as local fishing boats as they do not fulfill any of the requirements stipulated in Section 66 of FARA (Paragraph 6 (Section 6.5) above) to be considered as local fishing boats.

39. Registration of local fishing boats is performed by FMD.

Record of Fishing Vessels

(IPOA-IUU Paragraphs 42, 43)

40. Section 15 of FARA as amended by the Act, No. 35 of 2013 requires DG to maintain a register of local fishing boats used for taking fish in Sri Lanka waters or high seas. Applicants for registration of local fishing boats are required to furnish the following information to DG (Gazette, No. 1430/4 of 30 January 2006).

- Full name and address of owners with national identity card number of each owner
- Particulars of the fishing boat (type of boat and code, make of hull (timber, FRP, metal), length (ft, m), year of construction, boatyard number)
- Engine (make, serial number, horsepower)
- Navigation equipment (satellite navigator, radar, depth sounder)
- Communication equipment (SSB radio, VHF radio)
- Fishing equipment (fish finder, line hauler, net hauler)
- Three photographs of each vessel (as per the section 26)
- IMO number (if eligible under IMO requirements)
- Home port and operating ports (fishery harbour, anchorage)

41. FARA (Section 16) provides for change of ownership of a registered local fishing boat. The new owner is required to report the change of ownership within 30 days of the change with a declaration of transfer signed both by the transferor and the receiver, and apply of registration of the boat in the new owner's name.

42. A record of local fishing boats that are not authorized to fish on the high seas is maintained by FMD with the same information as in paragraph 40 above.

Authorization to Fish

(IPOA-IUU Paragraphs 44 – 50)

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

- Fishing operations carried out by seine nets, beach seines, *madel*, or Danish seine nets
- Fishing operations carried out by long lines
- Fishing operations carried out by gillnets
- Fishing operations carried out by drift gillnets
- Fishing operations carried out by surrounding nets
- Fishing operations carried out by trammel nets
- Fishing operations carried out by cast nets
- Fishing operations carried out by fish traps
- Fishing operations carried out by stake nets (*kattu del*)
- Bivalve mussel fishing operations
- Beche-de-mer fishing operations
- Chank fishing operations
- Fishing operations carried out using bundles of *Pila atu* (*Tephrosia* plants)
- Fishing operations carried out using fish aggregation devices
- Fishing operations carried out by lift net (*atoli*)
- Fishing operations carried out by trawl nets[D14]

- Fishing operations carried out by diving including free diving, SCUBA diving and HOOKAH diving

44. In accordance with the amendment effected to FARA by the Act, No. 35 of 2013 (Section 14A) no person is allowed to engage in any prescribed fishing operation in high seas except under the authority of a license issued by DG. The prescribed fishing operations for high seas are the following as per the High Seas Fishing Operation Regulations, No. 1 of 2014(Gazette, No. 1878/12 of 01 September 2014):

- Long-line fishing operations
- Gillnet cum long-line fishing operations
- Gillnet fishing operations
- Hand-line fishing operations
- Trolling fishing operations
- Pole and line fishing operations
- Purse-seine fishing operations

45. Fishing operation licenses in Sri Lanka waters are issued on a form prescribed by the Regulation published in Gazette, No. 1392/8 of 11 May 2005 amending the Fishing Operations Regulations of 1996 (Gazette, No. 948/25 of 7 November 1996). Information incorporated in a license for fishing in Sri Lanka waters is the following.

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

46. Similarly fishing operation licenses for high seas are issued on a form prescribed by High Seas Fishing Regulations, No. 1 of 2014 (Gazette, No. 1878/12 of 01 September 2014). Information incorporated in a license for fishing in high seas is the following.

- Registration number of the fishing boat for which the license is issued
- Length of the fishing boat
- Authorized fishing operations under the license
 - Authorized fishing gear
 - Length of fishing nets (maximum length less than 2.5 km) and mesh size
 - No. of hooks, length of the floating line and length of the branch lines
 - Authorize species of fish
 - Area of fishing
- Home port landing
- Fishing duration
- Conditions- All relevant CMMS adopted by IOTC are incorporated to national legislations/ or as conditions for high seas fishing in each year.

47. All local fishing boats are required by the Regulations published in Gazette, No. 1430/4 of 30 January 2006 amending the Registration of Fishing Boats Regulations, 1980 (Gazette, No. 109 of 03 October 1980) amended by Regulations published in Gazette, No. 948/24 of 07 November 1996 to be marked in accordance with the FAO Standard Specifications and Guidelines.

48. Every person who uses a mechanized fishing boat for fishing in Sri Lanka waters or high seas is required to maintain a logbook issued by DFAR and fish catch in relation to each fishing trip needs to be recorded in the logbook, which should be produced to the authorized officer in charge of fish landing on demand and at the end of every three months (Fish Catch Data Collection Regulations (Gazette, No. 1878/11 of 01 September 2014)). Sri Lanka denies the registration of vessels with evidence of engaging in IUU fishing or reflagging without authorization

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

COASTAL STATE MEASURES

(IPOA-IUU Paragraph 51)

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

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

Encourage fishermen to comply with the fisheries rules and regulations by giving the instructions and services from government. Stakeholders are provided the opportunity to participate in the development of fisheries regulations, as well as to raise consciousness in complying these regulations.

PORT STATE MEASURES

(IPOA-IUU Paragraphs 52 -64)

52. Provisions have been incorporated to FARA by the Act, No. 35 of 2013 for the purpose of exercising port State control over fishing vessels in accordance with the FAO Port State Measures Agreement (long title, Sections 14G and Section 61(2) (t)) and under such provisions the Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Regulations of 2015 have been made (Gazette, No. 1907/47 of 26 March 2015).

53. Sri Lanka has legal provisions to control over the foreign fishing vessels which do port call in Sri Lanka ports in compliance with the PSMA and the CMMS of IOTC from the point of apply for port entry under the regulation of Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Regulations of 2015 (Gazette, No. 1907/47 of 26 March 2015), the local agent or captain of the foreign fishing boat has to submit an application to DG for port entry to obtain port services, exchange of personal,

[D15] permit for fish landing or transshipment on the format issued by the DFAR 48 hours (in case of the second and subsequent landings 24 hours) prior to the entry. The format used is that given in Annex A of the FAO Port State Measures Agreement and currently ePSM application of IOTC is being applied. Sri Lanka has designated and published the designation ports in IOTC and DFAR web site and any changes updated.

54. Port entry permits are issued only for foreign fishing boats, the flag States of which are member countries of IOTC and those have no history of engaging in IUU fishing activities. Before issuing such permits, Sri Lanka check the IUU lists published by RFMOS and inquiries are made from IOTC, relevant costal and flag State.

55. Foreign fishing vessels, those do port calls in Sri Lanka designated ports are inspected by trained Port Inspector as given in Annex B of the Agreement, and an inspection report is prepared in the format given in its Annex C. This information is conveyed to IOTC and the relevant flag State.

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

57. If any foreign fishing boat is found to have engaged in IUU fishing activities outside Sri Lanka waters s such fishing boat is not provided with any services or activity under PSM regulations. Further that matter would be reported to the relevant flag State, State of the nationality of the master of the foreign fishing boat, IOTC and FAO.

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

INTERNATIONALLY AGREED MARKET RELATED MEASURES (IPOA-IUU Paragraphs 65 – 76)

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

The country has setup a mechanism for determining international trade related measures and cooperating with other states or relevant organizations to enforce such measures in accordance with the international trade procedures and standards. These measures:

1. Import, export of fish from IUU fishing by the foreign vessels shall be prohibited.
2. Import and export goods must be in compliance with CITES.

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

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

61. Under the Fish Catch Data Regulations, 2014 (Gazette, No. 1878/11 of 01 September 2014) a mandatory catch certification scheme that involves maintenance of a logbook for all local mechanized fishing boats for recording of the fish catch of each fishing trip, and submission of a catch certificate in respect of fish supplied for export to the EU market is being implemented by DFAR. Importers who import fish for re-export are also required under this catch certification scheme to furnish among other documents, a catch certificate duly signed by the Competent Authority of the country from where such fish is imported.

62. Fish exporters who re-export processed fish originating from imported fish are required under the catch certification scheme referred to in Paragraph 61 above, to submit a process statement to DG giving the catch certificate number, name of the

vessel and flag, validation date, catch description, total landed weight, catch processed weight and weight of processed fishery products in respect of all fish products in the export consignment for applicable market. In addition, fish exporters are required administratively to submit ICCAT sword fish statistical documents and big-eye tuna statistical documents as relevant in respect of export consignments that contain sword fish or big-eye tuna. On information provided by Sri Lanka, US has over a period of 15 years has periodically certified that shrimp fisheries of Sri Lanka are turtle-safe.

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

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

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

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

RESEARCH

(IPOA-IUU Paragraph 77)

67. The main research organization of the Government of Sri Lanka in respect of fisheries and aquatic resources is NARA. In addition, some universities of Sri Lanka also conduct research on fisheries and aquatic resources. Currently facilities including technology and equipment are available in Sri Lanka only to identify some fish species from samples of processed fish. Technical assistance from FAO or other appropriate international organization is sought to initiate research in this

area. Enhanced system for fisheries monitoring, data collection (catch, effort, socio-economic data, and ecosystem impacts) is required for further development.

REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

(IPOA-IUU Paragraphs 78 – 84)

68. Sri Lanka is a member of IOTC and implement the resolutions adopted by IOTC to prevent, deter and eliminate IUU fishing by incorporating the CMMs to the national legislations. Further Sri Lanka actively participate in IOTC activities and cooperate with other IOTC Contracting Parties:

- The principal law concerning fisheries, i.e., the Fisheries and Aquatic Resources Act, No. 2 of 1996 has been amended by Acts, No. 35 of 2013, 2 of 2015, No.2 of 2016 and No.11 of 2017 incorporating among others, provisions to give effect to CMMs adopted by the IOTC.
- Implementation of measures like collection of fish catch data, maintenance of logbooks on board the fishing boats, port inspection, catch documentation schemes, etc. is under implementation.
- Submission of annual report as per the IOTC resolutions within the time frame.
- Actively participates in the meetings convened by IOTC.
- A VMS system to monitor the local fishing boats has been established.
- Regular capacity building and awareness programme conducted on IOTC resolution and their implementation to prevent deter and eliminated IUU fishing.
- A mandatory observer programme is in place for all fishing boats of and over 24 m. Since deployment of observers on fishing vessels of less than 24 m in which it is not practical to send observers on-board will be covered by alternative arrangements.

70. List of fishing boats authorized to fish in high seas are annually update in IOTC authorized list.

5. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

(IPOA-IUU Paragraphs 85, 86)

71. Sri Lanka welcomes assistance in the following areas.

- To review the national legislation and if necessary, proposals to adjust legislation to meet the international obligations
- To improve collection of fish, catch data
- Strengthening of the VMS system with satellite monitoring
- Research to identify fish species from samples of processed fish and fishing grounds
- Capacity building for officials in fisheries management, including training in fisheries law, monitoring, control and surveillance, fisheries science and international trade

6. REPORTING

(IPOA-IUU Paragraph 87)

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

Annex 1: MANAGEMENT MEASURES UNDER THE FISHERIES AND AQUATIC RESOURCES ACT, No. 2 of 1996

Annex 2: FUTURE ACTION

Annex 1

(Paragraphs 17 and 22)

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

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

	Provision in the Act/Regulations (Provision refers to Section in FARA except in item 1, which refers to FFBA)	Management Measure	Penalty for Non-Compliance
1	Section 4 of Fisheries (Regulation of Foreign Fishing Boats) Act, No. 59 of 1979	No foreign boat should be used for fishing or related activities in Sri Lanka waters except under the authority of a permit issued by DG with approval of the Minister	Section 15 Imprisonment for a term not exceeding two years or a fine not less than the amounts specified below (in Rs Mn) determined considering the length of the fishing boat on the Territorial Sea Less than 15 m 6

			$15.0 \leq 24.0$ m 20 $24.0 \leq 45.0$ m100 $45.0 \leq 75.0$ m 150 >75.0 m 175 Administrative penalty Not applicable First Offence Imprisonment for a term not exceeding one year or a fine not exceeding the amounts specified above (in Rs Mn) determined considering the length of the fishing boat 15 B Within EEZ Less than 15 m 10 $15.0 \leq 24.0$ m 30 $24.0 \leq 45.0$ m120 $45.0 \leq 75.0$ m 180 >75.0 m 220 Administrative penalty – 1/5 of the original fine.
2	Section 5	Foreign fishing boats entering Sri Lanka waters without a permit to stow gear	15A Territorial Sea Imprisonment for a term not exceeding two years or a fine not less than the amounts specified

			below (in Rs Mn) determined considering the length of the fishing boat. Territorial Sea Less than 15 m 4 $15.0 \leq 24.0$ m 15 $24.0 \leq 45.0$ m 75 $45.0 \leq 75.0$ m 120 >75.0 m 150 Administrative penalty Not applicable First Offence Imprisonment for a term not exceeding one year or a fine not exceeding the amounts specified above (in Rs Mn) determined considering the length of the fishing boat. 15 C Within EEZ Less than 15 m 5 $15.0 \leq 24.0$ m 20 $24.0 \leq 45.0$ m 80 $45.0 \leq 75.0$ m 130 >75.0 m 160 Administrative penalty – 1/5 of the original fine.	

3	Section16	Non compliance with condition of permit	Not less than Seven hundred and fifty thousand rupees and not exceeding seventy five million rupees
4	Section 17	Obstruction of Authorized officers All offences committed under the FFBA shall be cognizable and non bailable	Fine (Rs) Less than 15 m 100,000 15.0 ≤ 24.0 m 200,000 24.0 ≤ 45.0 m 500,000 45.0 ≤ 75.0 m 1,500,000 >75.0 m 7,500,000
5	Section 20	Compounding Offence	Offence committed First time Not less than 1/5 of the minimum fine imposed by the Act. Sum of money not exceeding the aggregate of the estimated value of the boat, fish or other thing and The costs incurred in the detention of

			the boat and Repatriation of its crew shall be paid part of the settlement.
		Offence and Penalty FARA No. 2 of 1996	Section 49(1) – 49(7)
6	Section 6	No person shall engage in any prescribed fishing operation in Sri Lanka waters without a licence issued by DG.	Fine not exceeding LKR 25,000 (Section 49 (1) as amended by Act, No 35 of 2013)
7	Section 14A as amended by Act, No. 35 of 2013 and No. 2 of 2015	No person should engage in any prescribed fishing operation in high seas without a licence granted by DG.	Imprisonment for a term not exceeding two years or a fine not less than the amounts specified below (in LKR millions) determined considering the length of the fishing boat $10.3 \leq 15.0$ m 1.5 $15.0 \leq 24.0$ m 5.0 $24.0 \leq 45.0$ m 75.0 $45.0 \leq 75.0$ m 120.0 >75.0 m 150.0 (Section 49(2A) as amended by Act, No. 35 of 2013 and Act, No.2 of 2015)

8	Section 14E as amended by Act, No. 35 of 2013 and No. 2 of 2016	License granted by DG for fishing operations in high seas should be carried on board the fishing boat at all times and produced for inspection to an authorized officer when required.	Fine not exceeding LKR 100,000 (Section 49 (1A) as amended by Act, No 2 of 2016)
9	Section 14F as amended by Act, No. 35 of 2013	No local fishing boat should be used for fishing in the waters under the national jurisdiction of another State except under the authority and in accordance with laws of that State.	49 (2A) Same as in 3 above
10	Section 14N as amended by Act, No. 35 of 2013	DG, subject to availability of resources, conduct long term educational and training programmes to educate fishers on the regulations made and guidelines issued by IOTC, and to create awareness among fishers about the measures taken by the Government to conserve fish stocks and minimize pollution.	
11	Section 15 as amended by Act, No. 35 of 2013	No local fishing boat should be used for fishing in Sri Lanka waters or high seas without registering such boat as a local fishing boat.	Fine not exceeding LKR 25,000 (Section 49 (1) as amended by Act, No 35 of 2013)
12	Section 16	Every change of ownership of a registered local fishing boat should be reported to DG by the new owner within 30 days.	Fine not exceeding LKR 25,000 (Section 49 (1) as amended by Act, No 35 of 2013)
13	Section 27 as amended by Act, No. 4 of 2004 Section 27(1) (a) (3)	No person should use any poisonous, explosive or stupefying substances (including dynamite) or other noxious or harmful material for fishing or dump any poisonous, explosive, stupefying or other obnoxious or harmful material in Sri Lanka waters.	Imprisonment of either description for a term not less than three years and not exceeding five years and a fine not less than LKR 100,000 or on

			a second or subsequent conviction imprisonment of either description for a term not less than five years and not exceeding seven years and a fine not less than LKR 500,000 (Section 49 (3) as amended by Act, No. 4 of 2004)
	Section 27(1) (b) (2)	No person should carry or have in his possession any poisonous, explosive or No person should use any poisonous, explosive or stupefying substances (including dynamite) or other noxious or harmful material for fishing or dump any poisonous, explosive, stupefying or other obnoxious or harmful material in Sri Lanka waters.	Imprisonment of either description for a term not less than one year and not exceeding three years and a fine not less than LKR 50,000 or on a second or subsequent conviction imprisonment of either description for a term not less than 3 years and not exceeding 5 years and a fine not less than LKR 500,000 (Section 49 (3A) as amended by Act, No. 4 of 2004)

14	Sections 6, 28, 29 and 61/Fishing Operations Regulations of 1996 (Gazette, No. 948/25 of 07-11-1996)	No person should engage in the following fishing operations in Sri Lanka waters without a licence granted by DG. • Fishing operations carried out by seine nets, beach seines, <i>madel</i>, or Danish seine nets • Fishing operations carried out by trawl nets • Fishing operations carried out by surrounding nets • Fishing operations carried out by trammel nets • Fishing operations carried out by gillnets • Fishing operations carried out by drift gillnets • Fishing operations carried out by long lines • Fishing operations carried out by cast nets • Fishing operations carried out by fish traps • Fishing operations carried out by stake nets (<i>kattu del</i>) • Bivalve mussel fishing operations • Beche-de-mer fishing operations • Chank fishing operations • Fishing operations carried out using bundles of <i>Pila atu</i> (<i>Tephrosia</i> plants) • Fishing operations carried out using fish aggregation devices • Fishing operations carried out by lift net (<i>atoli</i>) • Fishing operations carried out by diving including free diving, SCUBA diving and HOOKAH	Fine not exceeding LKR 25,000 (Section 49 (1) as amended by Act, No 35 of 2013)

		diving	
		The following fishing operations are prohibited. • Push net fishing operations • Harpooning for marine mammals • Moxi net fishing operations • Gillnet or trammel net fishing operations on coral reefs or rocks	Fine not exceeding LKR 25,000 (Section 49 (1) as amended by Act, No 35 of 2013)
		No person should catch, land, transport, sell, buy, receive or have in his possession any marine mammals or turtles.	Fine not exceeding LKR 50,000 (Section 49 (2A) as amended by Act, No. 35 of 2013)
15	Sections 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 14L, 14M, 14N and 61(1)(t) as amended by Act, No. 35 of 2013/High Seas Fishing Operations Regulations, No. of 2014 (Gazette, No. 1878/12 of 01 September 2014)	No person should engage in the following prescribed fishing operations in high seas in contravention of conservation and management measures adopted in keeping with the commitments made by Sri Lanka under the United Nations Convention on the Law of the Sea of 1982, UN Fish Stocks Agreement of 1995, Indian Ocean Tuna Commission, FAO Port State Measures Agreement of 2009: • Purse seine fishing operations • Long line fishing operations • Gillnet <i>cum</i> long line fishing operations • Gillnet fishing operations • Pole and line fishing operations • Handline fishing operations • Trolling fishing operations	Imprisonment for a term not exceeding two years or a fine not less than the amounts specified below (in LKR millions) determined considering the length of the fishing boat or to a fine not less than five times the value of relevant fish catch or whichever is higher. 10.3 ≤ 15.0 m 1.0 15.0 ≤ 24.0 m 1.5 24.0 ≤ 45.0 m 25 45.0 ≤ 75.0 m 50 >75.0 m 100 (Section 49 (7) as amended by Act, No. 35 of 2013 and Act, No.2 of 2016)

16	Section 52 (1), (2)	Offences committed under Sri Lankan waters can be compound	Offence committed First time except Section 27 can be Compound with Minister approval Not less than 1/5 of the maximum fine imposed by the Act. On payment of sum of money not exceeding the aggregate of the estimated value of the boat, fish or other thing seized under section 46(4) in respect of which no order of detention by the Magistrate under section 46 (5) DG Fisheries has power to released the above things.
17	52B	First offence committed High Seas can be compound following offences ; 14A – Without High Seas License 14E - High License carried on board	Monetary Penalty can be imposed for first offence 1/3 of the maximum penalty imposed under

		14F - Prohibition on fishing in foreign waters 14G- Licensee comply management and conservation measures adopted international and regional treaties and which are binding on Sri Lanka 61(1) (t) – Regulations comply International and regional obligations 61 (1) (u)- Regulate export and import fish product	the Act.
18	Section 61 and Section 64 (a) / Registration of Fishing Boats Regulations, 1980 (Gazette, No. 109 of 10 March 1980, Gazette No. 948/24 of 07 November 1996, and Gazette, No. 1430/4 of 30 January 2006	No person should use or operate any local fishing boat in Sri Lanka waters or high seas for fishing unless such boat has been registered by DG and its registration number and code letters issued by DG are painted as prescribed.	Fine not exceeding LKR 25,000 (Section 49 (1) as amended by Act, No 35 of 2013)
	Sections 29 and 61 / Lobster Fisheries Management Regulations (Gazette, No. 1123/2 13 March 2000)	(1)No person should engage in spiny lobster fishing operations in the sea area belonging to the Southern coastal belt between the estuaries of Bentota River and Kumbukkan River without getting the license issued for fishing operations validated for south coast lobster. (2)No person should catch or keep in	Fine not exceeding LKR 50,000 (Section 49 (5) as amended by Act, No 35 of 2013)

		possession of any spiny lobster with external eggs, any lobster of species <i>Panulirus hormarus</i> with a carapace length less than 10 cm or tail length less than 14 cm, or any lobster of any other species with a carapace length less than 6 cm or tail length less than 10 cm.	
19	Section 34/ (Notification published in Gazette, No. 1601/36 of 15 May 2009)	No person should engage in lobster fishing operations during the months of February, September and October, which have been declared as closed seasons for fishing of lobster.	Fine not exceeding LKR 25,000 (Section 49 (2) as amended by Act, No 35 of 2013)
15	Section 28A FARA Act as amended No. 11 of 2017	Completely prohibited Bottom trawling	49 (2 AA) Fine Not exceeding Two years imprisonment or Not less than 50 000 rupees
15	Sections 28 and 61/ Monofilament Nets Prohibition Regulations, 2006 (Gazette, No. 1454/33 of 21 July 2006)	No person should use monofilament nets for fishing.	Fine not exceeding LKR 25,000 (Section 49(2) as amended by Act, No 35 of 2013)
16	Section 61 / Chank Fisheries Management	No person should engage in dredging operations or trawling operations for the purpose of taking chank, and keep	Fine not exceeding LKR 25,000 (Section 49 (5) as

	Regulations, 2003 (Gazette, No. 1298/1 of 21 July 2003)	in possession of any chank less than 70 mm in diameter.	amended by Act, No 35 of 2013)
17	Section 61 read with section 29 Shark fishery management	No person should catch, transport or sell thresher shark (Family <i>Alopiidae</i>), Oceanic whitetip shark and whale shark	Fine not exceeding LKR50,000 (Section 49 (2B) as amended by Act, No 35 of 2013)
18	Section 61(1) (t) Shark fishery management (High Seas)	No person should catch, transport or sell thresher shark (Family <i>Alopiidae</i>), Oceanic whitetip shark and whale shark	Imprisonment for a term not exceeding two years or a fine not less than the amounts specified below (in LKR millions) determined considering the length of the fishing boat or to a fine not less than five times the value of relevant fish catch or whichever is higher. $10.3 \leq 15.0$ m 1.0 $15.0 \leq 24.0$ m 1.5 $24.0 \leq 45.0$ m 25 $45.0 \leq 75.0$ m 50 >75.0 m 100 (Section 49 (7) as amended by Act, No. 35 of 2013 and Act, No.2 of 2016)
19	Section 61(1) (m) and (s) / Fish catch data collection regulations, 2012 (Gazette, No.	(1)Every person who uses a mechanized fishing boat for fishing in Sri Lanka waters or high seas should carry on board a logbook and maintain a record of the catch	Fine not exceeding LKR 25,000 (Section 49 (5) as amended by Act, No 35 of 2013)

	1878/11 of 01 September 2014)	of each fishing trip in the logbook, and furnish a certificate of the catch to the Competent Authority in the prescribed form. (2) Every importer who imports fish for re-export should furnish a catch certificate and a health certificate, and a process statement in the prescribed form issued by the Competent Authority of the country of export. (3) Every exporter who exports fish products should obtain a validated catch certificate and a health certificate from the Competent Authority.	
20	Section 61 (1) (t) as amended by Act, No. 35 of 2013 / Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Regulations of 2015 (Gazette, No. 1907/47 of 26 March 2015)	No person should without a licence from DG land, transship, pack or process fish taken outside Sri Lanka waters by a foreign boat at any port in Sri Lanka or obtain port services for such boat.	Imprisonment for a term not exceeding two years or a fine not exceeding LKR 1,000,000 (Section 49(6) as amended by Act, No. 35 of 2013)
21	Section 61(1) (h) / Fishing Gear Marking Regulations of 2015 (Gazette, No. 1904/10 of	All types of fishing gear and fish aggregating devices carried on board fishing boats should be marked as prescribed.	Fine not exceeding LKR 25,000 (Section 49 (5) as amended by Act, No 35 of 2013)

	03 March 2015)		
22	Section 61 (1) (t) / Satellite Based Vessel Monitoring System for Fishing Boats Operating in High Seas Regulations of 2015 (Gazette, No. 1907/47 of 26 March 2015)	Fishing boats, supply or cargo vessels, reefers and carrier vessels of or above 10.3m (34 feet) or above used for high seas fishing operations should be installed with a functioning satellite based vessel monitoring system device on board approved by DFAR which allows tracking and identification of those boats or vessels by the land based Fisheries Monitoring Center of DFAR.	Imprisonment for a term not exceeding two years or a fine not less than the amounts specified below (in LKR millions) determined considering the length of the fishing boat or to a fine not less than five times the value of relevant fish catch or whichever is higher. $10.3 \leq 15.0$ m 1.0 $15.0 \leq 24.0$ m 1.5 $24.0 \leq 45.0$ m 25 $45.0 \leq 75.0$ m 50 >75.0 m 100 (Section 49 (7) as amended by Act, No. 35 of 2013 and Act, No.2 of 2016)

FUTURE ACTION

Sri Lanka will continue to take strong and effective action against IUU fishing. This NPOA-IUU formulates Sri Lanka's ongoing commitment to combating IUU fishing and identifies areas where Sri Lanka will refine and improve already established measures and introduce new ones, as appropriate.

The country will continue to combat IUU fishing in four key action areas:

- Effective governance of domestic fisheries
- Effective governance over Sri Lankan fishing vessels and Sri Lankan nationals engage in fishing or related activities.
- Effective participation in regional and international forums and initiatives to combat IUU fishing.

Brought together in this NPOA-IUU, the above frame work supports Sri Lanka's commitment to continue combating IUU fishing on a national, regional and global scale.

Towards this end Department of Fisheries & Aquatic Resources uses tools such as VMS, Observer programme, mandatory catch recording and declaration, inspection during vessels departure and arrival, port inspections etc. If breaches are identified legal action is taken, with sanctions applied to deter repeat offenders and make aware any other would be offender.

Sri Lanka will continue to monitor all flagged vessels to ensure legal compliance. Country will also continue to cooperate with other countries to combat IUU fishing through the use of effective port State measures and by taking an appropriate action against any Sri Lankan vessel deemed to be in breach of Sri Lankan law.

Sri Lanka will encourage all regional efforts for the effective implementation and enforcement of port State measures.

The country will continue to work with the FAO and other relevant international forums to combat IUU fishing.

In addition to the above, the country recognized the following actions which are important to strength the mechanism against IUU fishing,

Action	Remarks	Responsibility
1.Strengthening of legal frame work	a. Provisions to enhance the fines impose on nationals who obstruct the functions of authorized officers b. provisions to act against skippers(operators) who violate high seas fishing obligations	DFAR
2 Expansion of vessel monitoring system	Installation of transponders covering all multi day boats of Sri Lanka	DFAR
3.Carder improvement	Recruitment of two legal assistance	DFAR
Adopt a government policy of not granting fiscal incentives or benefits to companies, and owners or operators of local fishing boats engaged in IUU fishing. For transparency announce this policy together with the announcements of the availability of such incentives or benefits (24).	DFAR to request Ministry of Policy Development & Economic Affairs and Board of Investments of Sri Lanka	DFAR
Standardize certification and documentation requirements and set up electronic schemes where possible in order to facilitate transactions and avoid		DFAR

opportunities for fraud (66).		
Conduct programmes for development of awareness on the impact of IUU fishing among all stakeholders in fish trade that include fishing boat owners and operators, fish collectors and suppliers, fish importers, fish processors, fish exporters, financiers and service providers (64, 69).		DFAR
Usage of software solution for efficient operational and administrative activities		DFAR
Strengthening of data collection system	Establishment of data unit	Ministry/DFAR/NARA