



Food and Agriculture  
Organization of the  
United Nations

# LEGAL AND POLICY REPORT ON SUSTAINABLE SMALL-SCALE FISHERIES IN SRI LANKA

**Applying the FAO policy and legal diagnostic toolbox**  
In support of the implementation of the Voluntary  
Guidelines for Securing Sustainable Small-Scale Fisheries  
in the Context of Food Security and Poverty Eradication

**WORKING DOCUMENT**





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Food and Agriculture Organization of the United Nations (FAO)  
Bay of Bengal Programme Inter-Governmental Organization (BOBP-IGO)

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## Preface

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) is an international instrument focusing on the needs of small-scale fisheries. The SSF Guidelines provide an all-inclusive framework for guiding small-scale fisheries governance and development, and are by definition, broad and not action-specific at the national or local level: they provide recommendations on what needs to be done, but not how.

Towards supporting implementation of the SSF Guidelines through NPOA-SSF, FAO has developed an SSF Policy and Legal Diagnostic Toolbox to review national policies and legislation, allowing countries to assess the extent to which their legal and policy frameworks address the key issues outlined in the SSF Guidelines.

**The Legal and Policy Report supports the initiation of an NPOA-SSF. It is expected that this will be reviewed and further developed as part of the NPOA-SSF development.**

A regional webinar was conducted on 4<sup>th</sup> June 2025 with the participation of about forty members from the four BOBP countries. FAO experts explained the process of using the Diagnostic Toolbox to analyse each country's legal and policy framework in relation to the SSF Guidelines. Subsequently, BOBP IGO carried out an analysis of Sri Lanka's national policies and legislation using the first two tools provided in the Toolbox. For the third tool, the questionnaire was filled based on inputs from members of the fishing community through focus group discussions and interviews conducted by community-based organisations.

The first draft report was circulated to experts from the country and the FAO team. The document was revised based on the critical inputs received from the subject matter experts from FAO and national experts. The revised draft was discussed during the FAO Regional Capacity Development Workshop on Development of National Plan of Action for Small Scale Fisheries (NPOA-SSF) held in Chennai from 17-19 September 2025, and the feedback obtained from the country's official nominees to the Workshop were incorporated.

The DRAFT Final version was circulated to the Government of Sri Lanka and all the experts and community representatives involved in the process for review and the document was further revised and improved based on the comments received. This version of the Legal and Policy report will serve as a working document for the National Task Force members as well as reference material for outreach and communication, during the development of the NPOA-SSF and will be subject to revision and adaptation based on continuous feedback and inputs.



(Dr. P. Krishnan)  
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## Abbreviations and Acronyms

CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
HRBA	Human Rights-Based Approach
IUU	Illegal, Unreported and Unregulated (Fishing)
MCS(E)	Monitoring, Control, Surveillance (and Enforcement)
NAQDA	National Aquaculture Development Authority of Sri Lanka
NARA	National Aquatic Resources Research and Development Agency
NPOA-SSF	National Plan of Action for Small-Scale Fisheries
SDG	Sustainable Development Goals
SSF	Small-Scale Fisheries
SSF-LEX	Small-Scale Fisheries – Legal Database
TURF	Territorial Use Rights for Fisheries
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry

## Executive Summary

Towards supporting implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines), FAO has developed an SSF Policy and Legal Diagnostic Toolbox to review national policies and legislation, allowing countries to assess the extent to which their legal and policy frameworks address the key issues outlined in the SSF Guidelines.

BOBP IGO carried out an analysis of Sri Lanka's national policies and legislation using the three tools provided in the Toolbox. The draft report was circulated to experts from the country and the FAO team and their suggestions were incorporated. The draft was also discussed at the Regional Capacity Development Workshop on Development of National Plan of Action for Small Scale Fisheries (NPOA-SSF) held in Chennai from 17-19 September 2025, and feedback received has been incorporated.

In summary, Tool 1 indicated that Sri Lanka has ratified most of the binding instruments related to fisheries except C188 Work in Fishing Convention.

With regard to Tool 2, 37% of the questions were answered with a 'yes', 31% with 'No' and 32% as partially. There is no formal definition of SSF in the current law or policy. While sustainability and precautionary principles are included, human rights, gender equity, and customary practices are not mentioned in the principles of the fisheries policy. While gear restrictions, licensing, and closed seasons exist, gaps remain in co-management, ecosystem approaches, and traditional knowledge integration. Enforcement remains inconsistent, leading to weak practical outcomes despite regulatory provisions. The policy and legislation have a strong welfare orientation but weak labour rights protection. There is no legal support for SSF market access, fair trade, or post-harvest improvements. Given SSF's major role in domestic food supply, this is a critical policy blind spot. Legal enforcement of women's rights in SSF is weak. SSF-specific adaptation measures and insurance mechanisms are missing. Legal provisions exist, but access to justice for SSF remains limited by costs, institutional barriers, and lack of awareness. Accountability mechanisms lack inclusivity, and enforcement is uneven across scales, raising concerns of equity and fairness.

The community voted yes to 64% of the questions, and no to 30% while they were unsure of answers to 6% of the questions. The community consider themselves small-scale fishers. They said that their voice was heard at all levels, and women were always represented in the institutions. Registration of boats was easy and all required licences to fish. The process was fair and transparent. No barriers to migrants were identified. However, there were no areas designated for SSF and there were concerns about land grabbing especially by tourism sector. While various welfare schemes were available, they were not very effective. The same was the case for subsidies. They did not have facilities to keep fish fresh and this resulted in traders making profits as there were no cooperatives to help market fish. Though women have the same rights as men regarding

fishing, they were rarely selected as office bearers; they had their own organisations. While there were early warnings during cyclones, there was no training for climate change adaptation or insurance. There were no major issues with respect to dispute resolution.

## **1. Introduction**

The Food and Agriculture Organization of the United Nations (FAO) has supported the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) through various initiatives over the past decade (FAO, 2014; FAO, 2020). One of the key pathways for implementation is the review of national policies and legislation, allowing countries to assess the extent to which their legal and policy frameworks address the key issues outlined in the SSF Guidelines. This process enables the identification of legal and institutional gaps, areas for improvement, and opportunities for incorporating human rights-based and ecosystem-based approaches to fisheries governance. To support this, FAO has developed a range of tools, including the SSF Policy and Legal Diagnostic Toolbox, the SSF-LEX database, and the SSF Legislative Guide, which provide structured guidance to assess, align, and enhance national frameworks in support of sustainable small-scale fisheries. These efforts aim to foster inclusive and coherent governance, ensuring that national instruments reflect the social, economic, cultural, and environmental dimensions of small-scale fisheries.

### **1.1. Importance of policy and legal framework for Small-Scale Fisheries**

A well-developed policy and legal framework is essential for promoting sustainable SSF, as it provides the foundation for recognizing the rights and responsibilities of those engaged in the sector. National policies and laws play a vital role in shaping how fisheries are managed, ensuring that small-scale fishers and their communities are included in decision-making processes, and that their human rights are respected and protected. Legal instruments help define the duties of both public authorities and private actors, support accountability, and provide access to justice in cases of rights violations. By incorporating approaches such as the HRBA and the EAF, policy and legal frameworks can address the complex social, cultural, economic, and environmental dimensions of SSF. Together, they offer clarity on governance responsibilities, foster cross-sectoral coordination, and ensure that SSF issues are integrated across relevant domains, including gender equity, food security, climate resilience, and environmental protection.

### **1.2. Legal and policy resources to support national implementation of the SSF Guidelines**

To enhance understanding of the policy and legal environment related to SSF, FAO developed SSF-LEX, an online database that provides structured information on national frameworks supporting the implementation of the SSF Guidelines. This resource is valuable for policymakers, legal experts, and SSF stakeholders, offering country-specific profiles that include data on socioeconomic conditions, legal commitments, institutional setups, and relevant national laws and policies organized by key themes such as tenure, resource management, gender equality, and climate change. Complementing this, the SSF Legislative Guide provides a practical framework for countries seeking to align their legal systems with the SSF Guidelines. It outlines legislative options such as amending existing laws, introducing new legislation, or

enacting detailed regulations, and emphasizes the need for inclusive, rights-based consultations with all SSF actors: particularly women, Indigenous Peoples, and marginalized groups. The Guide also provides examples of legal provisions from different countries and highlights common challenges in legislating for SSF. Used alongside the SSF Policy and Legal Diagnostic Toolbox, it supports thorough assessments of existing national frameworks and offers guidance on structuring new or revised legal instruments that reflect the core principles of the SSF Guidelines.

### **1.3. Sri Lanka's Marine Fishing Sector**

Sri Lanka's fisheries sector is dominated by small-scale fisheries (SSF), which contribute over 60% of national fish production and directly employ about 320,000 active fishers, sustaining nearly 2.7 million livelihoods (Ministry of Fisheries, 2024). While no formal legal definition exists, SSF generally involve artisanal craft and small boats such as canoes, kattamarans, and fibre-reinforced plastic boats with outboard motors, operating in nearshore waters up to 24 nautical miles and inland reservoirs, typically on one-day fishing trips for local consumption and markets (Amarasinghe, 2005). These fisheries are labour-intensive and family-based, with women contributing significantly in processing and marketing, especially in Catholic and Hindu communities (Amarasinghe & Bavinck, 2011; FAO/ICSF/SLFSSF, 2019). SSF production is diverse, targeting species such as sardines (*Sardinella* spp.), mackerel (*Rastrelliger kanagurta*), tuna (*Katsuwonus pelamis*), and inland species like tilapia (*Oreochromis* spp.) and rohu (*Labeo rohita*) (NARA, 2023). Beyond contributing 0.9% to GDP, SSF are vital for food security, providing over 50% of national animal protein intake, though the sector faces challenges of overfishing, pollution, weak tenure rights, and under-recognition of women's roles (Amarasinghe, 2015; FAO/ICSF/SLFSSF, 2019).

### **1.4. Overview of National jurisdictional frameworks for governing SSF**

Small-scale fisheries in Sri Lanka are governed primarily by the Fisheries and Aquatic Resources Act, No. 2 of 1996, which remains the principal legal instrument regulating marine and inland fisheries. The Act provides the statutory basis for licensing, restrictions on gears and methods, establishment of Fisheries Management Areas (FMAs), and enforcement of penalties, while also mandating co-management arrangements through Fisheries Management Committees, especially in lagoons. Its implementation lies with the Ministry of Fisheries and the Department of Fisheries, supported by statutory institutions including the National Aquatic Resources Research and Development Agency (NARA), the National Aquaculture Development Authority (NAQDA), the Ceylon Fisheries Harbour Corporation, and the Ceylon Fisheries Corporation. Together, these agencies oversee licensing, scientific research, aquaculture development, harbour infrastructure, and fish marketing (Ministry of Fisheries, 2024; NARA, 2023). In addition, fisheries governance intersects with other national legislation such as the Coast Conservation Act (1981, amended 2011), the Marine Pollution Prevention Act, and the Fauna and Flora Protection Act, reflecting the multi-sectoral nature of aquatic resource management in Sri Lanka (Amarasinghe, 2002).

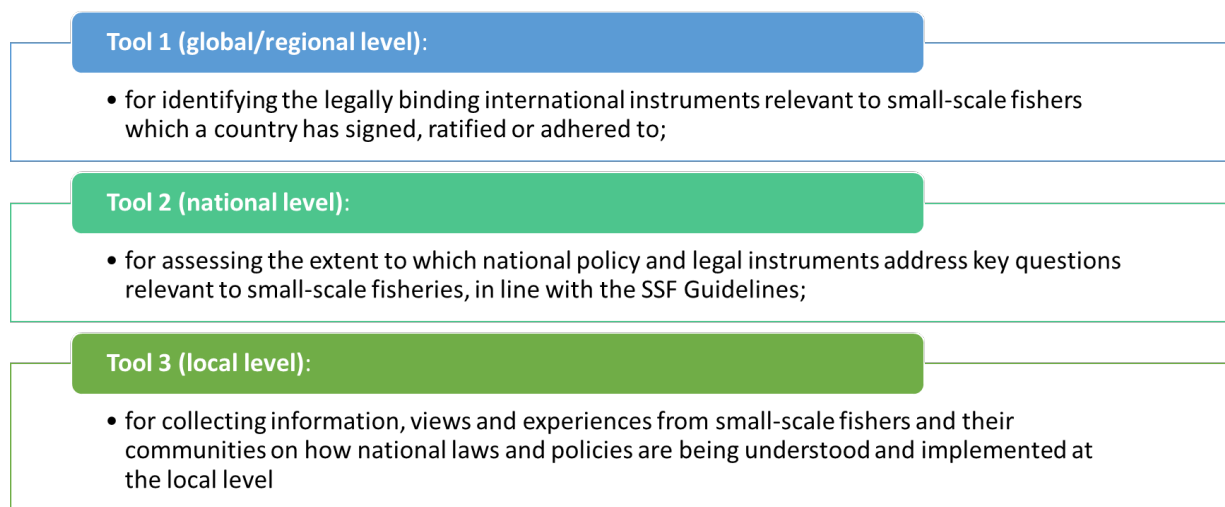
Despite this formal legal framework, Sri Lanka's SSF are also regulated through customary laws and community norms, particularly in lagoon and coastal fisheries, where access rights, gear use, and conflict resolution are strongly influenced by local traditions and reciprocity (Amarasinghe & Bavinck, 2011). This legal pluralism has strengths, such as legitimacy and low transaction costs, but also creates governance challenges when customary practices diverge from state law. Nonetheless, gaps remain in effective enforcement, recognition of women's contributions, and addressing overcapacity in nearshore waters, highlighting the need for further integration of scientific, legal, and community-based governance approaches (FAO/ICCSF/SLFSSF, 2019; Amarasinghe, 2015).

### **1.5. Manual on NPOA-SSF**

To support countries in developing their NPOA-SSFs, FAO has developed a manual entitled "Developing and implementing National Plan of Action for Small-Scale Fisheries", which contains three steps to review and identify gaps in small-scale fisheries governance. FAO has developed a toolbox entitled 'A policy and legal diagnostic toolbox for sustainable small-scale fisheries' to implement these steps in the manual, aiming at highlighting the strengths and gaps in a country's national legal and policy framework supporting sustainable small-scale fisheries.

## 2. Small-Scale Fisheries Policy and Legal Diagnostic Tool: Mapping National Instruments to the Small-Scale Fisheries Guidelines

The second edition of the Policy and Legal Diagnostic Toolbox for Sustainable Small-Scale Fisheries (FAO, 2025) served as the primary analytical framework for this report. Specific national policies and legal instruments were systematically reviewed and evaluated using the SSF policy and legal diagnostic toolbox. The toolbox has three tools as shown in the figure.



**Figure 2.1: The three tools of the Toolbox**

### 2.1. Methodology and Scope of the desk-based assessment

Given the holistic nature of small-scale fisheries (SSF) and the variability across national contexts and priorities, assessing the full scope and complexity of SSF presents significant challenges. To address this, a streamlined methodology was used for applying the SSF Legal Checklist to selected national policy and legal instruments, forming the basis of this report. The preliminary desk-based assessment was subsequently validated and refined through expert review during an in-country workshop.

#### 2.1.1. Alignment of national Framework with International Legally Binding Instruments Relevant to SSF (Tool 1)

Multiple international instruments: both legally binding and non-legally binding, constitute a set of international commitments and soft law standards that are highly relevant for SSF governance. Annexe A of the SSF Policy and Legal Diagnostic Toolbox present a non-exhaustive list of key international instruments relevant to SSF using the first tool of the Toolbox. Though the toolbox includes only legally binding instruments, we have included key non-binding instruments related to SSF.

- a) template table for identifying legally binding international instruments relevant to SSF which a country has signed, ratified or is adhering to (Annex A, Table 1);
- a) template table for identifying non-binding international instruments relevant to SSF which a country has endorsed (Annex A, Table 2);

The tables also identify related national policy and legal measures that reflect the implementation of the obligations or guidance derived from each instrument.

### **2.1.2. Assessing key issues of the SSF Guidelines in national fisheries policy and legal instruments (Tool 2)**

Tool 2 of the toolbox provides a template questionnaire for assessing key issues of the SSF Guidelines in national fisheries policy and legal instruments. The results of the exercise are presented in Annex B. For this, a comprehensive list of specific national policies, primary legislation, and secondary legislation was compiled using information sourced from SSF-LEX, FAOLEX and the country's official legal and policy databases.

The SSF Guidelines Policy and Legal Questionnaire presents the questionnaire organized around 11 sub-sections as follows; the number of questions under each sub-section is given in the brackets.

- i. Definition (6)
- ii. Objectives (5)
- iii. Principles (3)
- iv. Institutional and administrative arrangements (8)
- v. Tenure and access rights (13)
- vi. Sustainable resource management and conservation (27)
- vii. Social development, employment and decent work (30)
- viii. Value-chains, post-harvest and trade (1)
- ix. Gender equality (6)
- x. Disaster risks and climate change (5)
- xi. Access to justice, enforcement, and accountability (5)

Under each subsection, there are questions that examine to see what extent the points are covered in the legislation with respect to the SSF. The assessment prioritized evaluating SSF legal requirements within national fisheries policies, primary legislation, and secondary legislation. The responses: yes, no, or partially are used in the analysis to assess the checklist. The final two columns of the SSF Legal Checklist identify: (i) the specific provisions or sections of the legal and policy instruments where the SSF legal requirement was addressed; and (ii) supplementary comments and explanatory notes providing context and justifications, particularly in cases of partial or limited alignment.

### **2.1.1. Assessing Community Response to the Policy and Legal Implementation Questionnaire (Tool 3)**

Tool 3 of the toolbox provides a template questionnaire to gather information from small-scale fishing communities on how national laws and policies are being understood and implemented at the local level. This is divided into the following subsections, the number of questions under each sub-section is given in the brackets.

- i. Recognition of small-scale fishers (7)
- ii. Institutional and administrative arrangements (8)
- iii. Tenure and access rights (13)
- iv. Sustainable resource management and conservation (10)
- v. Social development, employment and decent work (15)
- vi. Value chains, post-harvest and trade (4)
- vii. Gender equality (5)
- viii. Disaster risks and climate change (6)
- ix. Access to justice, enforcement, and accountability (4)

In Sri Lanka, community interviews and discussions were held with 20 participants in the form of FGD at Negombo (of the Western Province of Sri Lanka). The questions were translated into the local language and responses were recorded for each question and finally consolidated and presented in Annex C. The participants were all from the local small-scale fishing community.

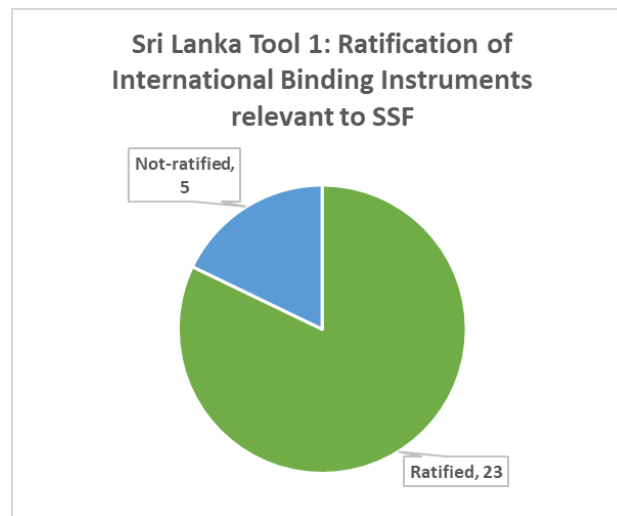
### **2.2. Validating the report through experts' consultation and revision by FAO**

The document was sent to a set of experts in the country as well as the FAO for comments. Feedback was also obtained from participants at the Regional Capacity Development Workshop on Development of National Plan of Action for Small Scale Fisheries (NPOA-SSF) held in Chennai from 17-19 September 2025, which have been incorporated in this version.

### 3. Analysis

#### 3.1. Tool 1: Country's Alignment with Binding International Instruments Relevant to Small-Scale Fisheries

Table 1 in Annex A shows that Sri Lanka is a Party to 23 legally binding international instruments relevant to small-scale fisheries (SSF), while it is not a Party to 5 such instruments (including the ILO Migration for Employment Convention No. 97 (1949), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), and the ILO Work in Fishing Convention No. 188 (2007)).



**Figure 3.1: Tool 1: Ratification of International binding instruments relevant to SSF**

For the 23 instruments to which the country is a Party, implementation at the national level is uneven. In some cases, commitments are reflected in the Constitution or primary legislation, such as the Fisheries and Aquatic Resources Act, No. 2 of 1996, or the Constitution of Sri Lanka. In others, they are implemented only through policies, strategies or action plans, which reduces their enforceability and leaves gaps in protecting the rights of small-scale fishers.

For instance:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966): Sri Lanka is a Party, and its provisions are addressed through National Human Rights Action Plans. However, key elements such as the right to adequate food, decent work, and a sufficient standard of living are not explicit limiting enforceability.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979): Sri Lanka is a Party, with commitments reflected in the Women's Charter (1993). Yet, this remains a policy instrument without binding legal force.
- The United Nations Convention on the Law of the Sea (UNCLOS, 1982): Commitments are integrated into the Fisheries and Aquatic Resources Act, No. 2

of 1996, which regulates licensing, conservation, and high seas fishing. Nevertheless, implementation gaps persist in sustainable management and securing tenure rights for SSF communities.

Table 2 of Annex A shows that Sri Lanka has implemented 8 of the 24 non-binding international instruments relevant to small-scale fisheries (SSF), while 16 instruments remain not implemented

For those instruments that have been implemented, uptake has largely occurred through national policies, strategic action plans, and integration into sectoral legislation. For example, the FAO Code of Conduct for Responsible Fisheries (1995) has been implemented through the Fisheries and Aquatic Resources Act, No. 2 of 1996, complemented by instruments such as the National Plan of Action to Prevent, Deter and Eliminate IUU Fishing (2021). The FAO Technical Guidelines for Responsible Fisheries No. 10 (2005) have been reflected in the draft National Fisheries Policy and associated SSF development strategies, aiming to strengthen the role of SSF in food security and poverty reduction. The Beijing Declaration and Platform for Action (1995) is given effect through the Women's Charter (1993) and the National Plan of Action for Women (2014–2018), which advance gender equality in fisheries. Similarly, the UN Sustainable Development Goals (2015) are mainstreamed through the Sri Lanka SDG Roadmap, while commitments under the UN Conference on Sustainable Development's outcome document "The Future We Want" (2012) are reflected in the National Sustainable Development Strategy (2019). The CITES COP Resolution on Livelihoods (2013) is implemented through the Fauna and Flora Protection Ordinance, providing a livelihoods dimension to wildlife and fisheries trade regulation.

By contrast, the majority of non-binding instruments, such as the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry (VGGT, 2012), and the FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Food (2004) have not been formally adopted. In most cases, national frameworks acknowledge their principles through draft policies, pilot projects (e.g., BOBLME Phase II Ecosystem Approach to Fisheries initiatives), or overlapping provisions in sectoral laws, but lack explicit incorporation or enforceable mechanisms. This demonstrates that while Sri Lanka has engaged with instruments relevant to SSF, the overall alignment remains selective and fragmented, leaving important dimensions such as tenure rights, safety at sea, Indigenous rights, and labour standards under-addressed in practice.

### **3.2. Critical Analysis and findings – Tool 2**

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.

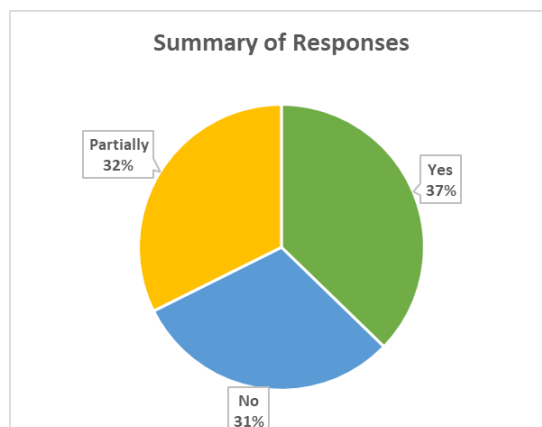
Of the 102 questions in the Policy and Legal questionnaire, 39 questions were answered with 'Yes' meaning the questions are fully or sufficiently addressed in at least in one of

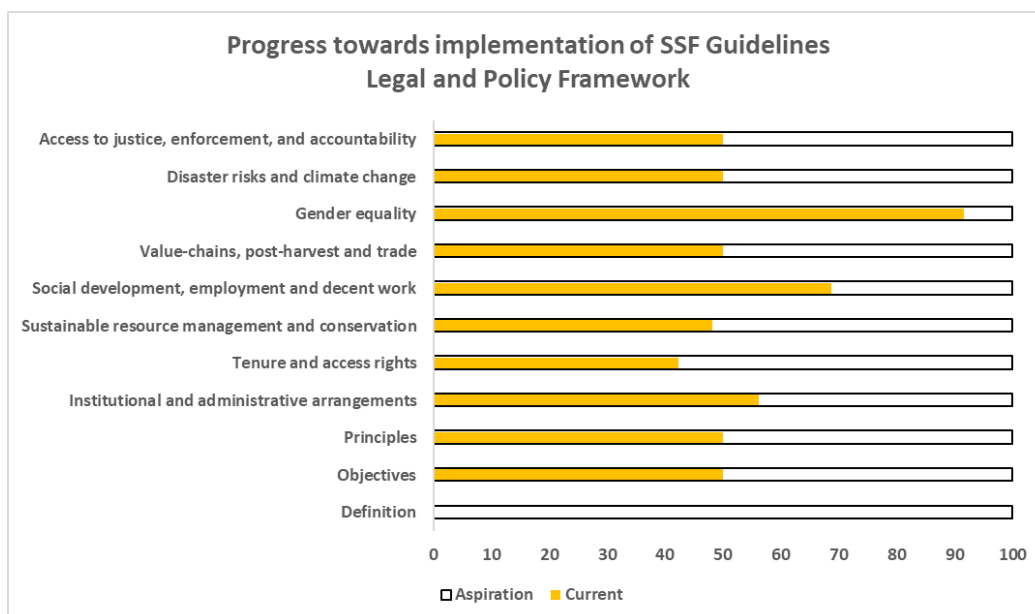
the instruments, 33 were answered as ‘partially’ meaning the requirement is addressed to some degree but with limitations, and 30 were answered with ‘No’ meaning the requirement is not addressed in any of the analysed instruments

**Table 3.1: Tool 2: Summary of Responses (Annex B)**

S. No	Section	Yes	No	Partial
1	Definition	0	5	0
2	Objectives	2	2	1
3	Principles	1	1	1
4	Institutional and administrative arrangements	3	2	3
5	Tenure and access rights	3	5	5
6	Sustainable resource management and conservation	8	9	10
7	Social development, employment and decent work	14	5	5
8	Value-chains, post-harvest and trade	0	0	1
9	Gender equality	5	0	1
10	Disaster risks and climate change	1	1	3
11	Access to justice, enforcement, and accountability	1	1	3
<b>Total</b>		<b>38</b>	<b>31</b>	<b>33</b>

The above data has also been used to pictorially depict the distance to be travelled to reach aspirational status.





**Figure 3.2: Tool 2: Legal and Policy Framework: Summary of responses and progress towards implementation of SSF Guidelines**

### 3.2.1. Findings by section

#### i. Definition

The Fisheries and Aquatic Resources Act (B1) and the Marine Fisheries Act (B7) provide related definitions, with “artisanal vessel” defined as one with a carrying capacity of 15 tons or less. The NPOA–IUU (A15) defines “artisanal fishing,” while the National Fisheries Policy (1998) does not provide a definition of small-scale fisheries. Differentiation between commercial and subsistence SSF is only partially addressed: the NPOA–IUU distinguishes between “artisanal” and “industrial” fisheries, and the Marine Fisheries Act separates artisanal vessels from commercial trawlers, but subsistence fisheries are not explicitly recognized. Women are not included in the definitions, although the National Fisheries Policy makes reference to women’s socio-economic roles. References to the entire fisheries value chain are absent in the definitions, and Indigenous Peoples are not mentioned, representing a gap given the existence of traditional lagoon and coastal fishing communities in Sri Lanka.

#### ii. Objectives

Sri Lanka’s fisheries objectives are primarily outlined in the National Fisheries Policy (1998) and subsequent drafts. These include references to sustainable resource use, poverty alleviation, food security, and socio-economic development of fishing communities. However, objectives specific to SSF are not clearly distinguished from the broader fisheries sector. References to women’s empowerment and employment are made, but only at a general policy level. Objectives linked to Indigenous Peoples, customary tenure rights, and subsistence fisheries are not addressed.

#### iii. Principles

The fisheries framework incorporates several principles, such as sustainable use of resources, precautionary management, and community participation under the Fisheries and Aquatic Resources Act and draft policy documents. The ecosystem approach to fisheries (EAFM) has been introduced through pilot projects but is not formally enshrined in law. Equity, gender equality, and human rights–based principles are only partially recognized through references in the Women’s Charter and national social policies. Recognition of Indigenous and customary practices is absent.

#### iv. Institutional and administrative arrangements

The institutional framework for fisheries management is well established. The Ministry of Fisheries, Department of Fisheries and Aquatic Resources (DFAR), NARA, NAQDA, and the Coast Guard all play roles in regulation, research, and enforcement. Fisheries Management Areas and Committees provide space for community-level participation, but their effectiveness is uneven. Gender representation in institutions is limited, and customary governance systems are not formally integrated. Coordination among agencies remains fragmented, reducing efficiency.

#### v. Tenure and access rights

Legal recognition of marine tenure and fishing rights is weak. While the Fisheries and Aquatic Resources Act regulates licensing and permits, customary tenure rights in lagoons and inland waters are not legally recognized. Women’s access rights are not specifically mentioned. Subsistence fishers’ rights are poorly defined, and Indigenous or traditional community access is absent. Marine protected areas (MPAs) exist under environmental laws but are not strongly linked to SSF tenure.

#### vi. Sustainable resource management and conservation

Sri Lanka has several provisions for sustainable management under the Fisheries and Aquatic Resources Act and associated regulations, such as gear restrictions, closed seasons, licensing, and area-based management. The NPOA–IUU, 2021 strengthens conservation measures. However, integration of EAFM principles is limited, and enforcement is inconsistent. Gender and community participation are only partially addressed. Subsistence fishers’ needs and traditional knowledge are not incorporated.

#### vii. Social development, employment and decent work

This area shows relatively stronger alignment. The National Fisheries Policy (1998), National Labour Laws, and social welfare schemes support employment, housing, education, and health for fishers. Women are mentioned in policy documents, but legal recognition of their roles is weak. Decent work provisions are covered under labour laws but do not specifically address fisheries safety and working conditions, as Sri Lanka is not a party to the ILO Work in Fishing Convention (C188).

#### viii. Value-chains, post-harvest and trade

The legal framework provides very limited references to SSF value chains. While the National Fisheries Policy mentions post-harvest handling, loss reduction, and cleaner production, these are not legally binding. Women’s contribution in fish processing and marketing is acknowledged socially but not formally supported in law. Provisions for fair trade and market access for SSF are minimal.

**ix. Gender equality**

The Women’s Charter (1993) and National Plan of Action for Women provide a policy basis for gender equality, and the National Fisheries Policy makes explicit references to improving women’s socio-economic conditions. However, these remain policy-level commitments without binding force. Gender mainstreaming in fisheries laws is absent, and women’s tenure rights are not recognized.

**x. Disaster risks and climate change**

Sri Lanka has adopted National Adaptation Plans (NAPs), NDCs under the UNFCCC, and Disaster Management Act provisions that include fisheries as a vulnerable sector. Some policy measures for SSF resilience exist, such as early warning systems and relief support. However, long-term adaptation, relocation, and climate-smart fishing measures are limited. Women and marginalized groups are not specifically targeted.

**xi. Access to justice, enforcement, and accountability**

The Fisheries and Aquatic Resources Act provides enforcement mechanisms, penalties, and appeal procedures. The Human Rights Commission Act (1996) also provides avenues for rights protection. However, access to justice for SSF communities remains constrained by limited awareness, costs, and institutional barriers. Women and marginalized groups face greater challenges in accessing remedies. Accountability mechanisms are weak, with limited transparency in enforcement.

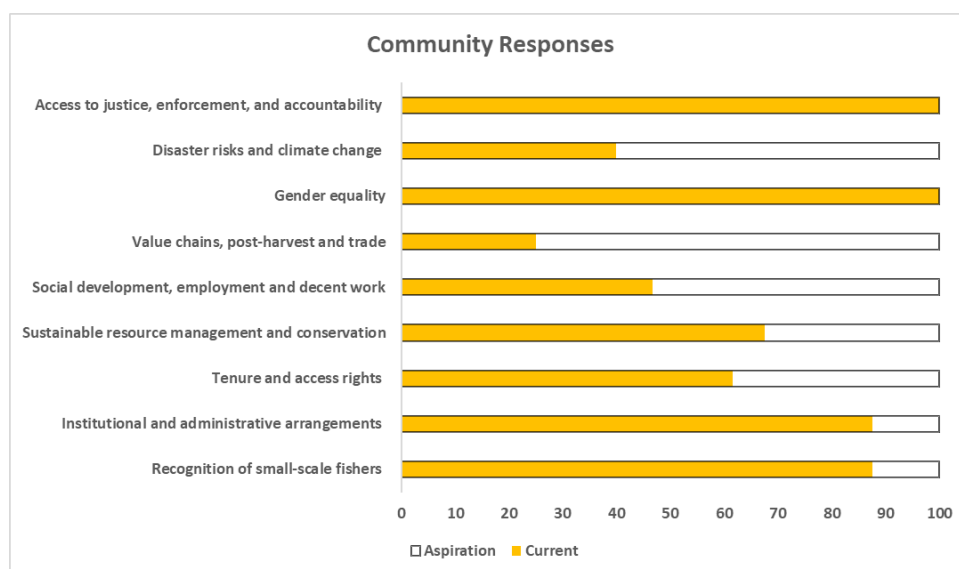
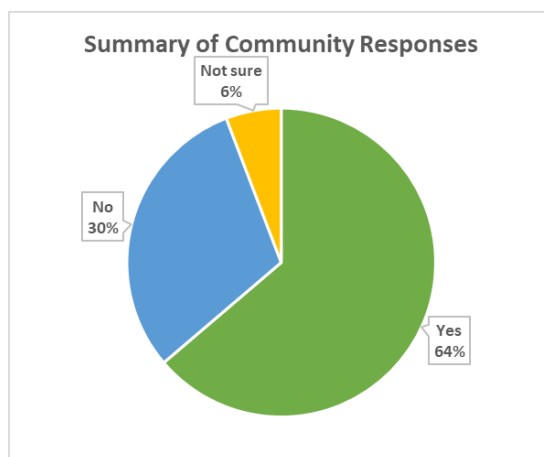
**3.3. Critical Analysis and findings – Tool 3**

This section summarizes the results regarding the fishing community’s perspective to the questionnaire under nine major sections as given below in the table, and visualised in the chart.

**Table 3.2: Tool 3: Summary of responses (Annex C)**

S.No.	Section	Yes	No	Not sure
1	Recognition of small-scale fishers	5	0	1
2	Institutional and administrative arrangements	7	1	0
3	Tenure and access rights	8	5	0
4	Sustainable resource management and conservation	6	1	3
5	Social development, employment and decent work	7	8	0
6	Value chains, post-harvest and trade	1	3	0

7	Gender equality	5	0	0
8	Disaster risks and climate change	2	3	0
9	Access to justice, enforcement, and accountability	3	0	0



**Figure 3.3: Tool 3: Legal and Policy Framework: Summary of community’s responses and progress towards implementation of SSF Guidelines**

### 3.3.1. Finding by section

#### i. Recognition of small-scale fishers:

The community voted yes to five of six questions. They consider themselves small-scale fishers. They use small crafts, many artisanal and few motorised, operate in nearshore coastal waters engaged in one day fishing trips targeting small fish varieties. However, they were not sure whether objectives of the policy and legal framework include reference to small-scale fisheries

#### ii. Institutional and administrative arrangements:

The community voted yes to all questions except one about indigenous peoples; according to them there were no Indigenous People in Sri Lanka's fisheries. They said that their voice was heard at all levels, and women were always represented in the institutions. Delegation of authority to regional offices was there and they agreed that delegating authority to the local/community level improves the management and sustainability of small-scale fisheries through FCs, LFCCs, Coops, Rural Fisheries Organisations.

### iii. Tenure and access rights

Registration of boats was easy, women too could register as fishers, craft owners are registered by craft and all required licences to fish. The process was fair and transparent. Migration within the country was common but they had to get a license from Department of Fisheries in their residential area before migration. No barriers were identified.

There are no designated areas for SSF. However, they refer to Blue Injustices (Land grabbing by tourism stakeholders have violated customary rights of fishers to the beach and near shore waters); they did not have any problem with large scale fishers. There were no reports of forced evictions in recent times.

### iv. Sustainable resource management and conservation

Comanagement was seen in lagoon fisheries because boundaries were clear and roles and responsibilities were clear in fisheries councils. In the case of planning processes, fishers participate when invited, however decision are made by authorities as per their agenda. They were emphatic that fishers could help with MCS. They have complained to authorities and police when the rules are violated and don't allow our community members to violate rules and destroy our resources. They were not aware of a national plan against IUU fishing but said that it should include SSF. With regard to whether traditional knowledge of the community was used in management decisions, they said that the decision makers don't step into the water and do not know the community legal system.

### v. Social development, employment and decent work (15):

Various schemes were available such as pension, insurance etc, but were not very effective. Bank loans were not effective as regular interest payment was not possible when theirs was a seasonal activity. Coops were better but funds were limited. Subsidies were available but only the motorised boat owners received a fuel subsidy recently, not artisanal fishers. For closed seasons such as lobster bans, they did not receive anything but they had access to state sponsored poverty alleviation schemes (cash grants). Women work on daily wages and do not get any kind of benefits. Human trafficking and debt bondage were not reported and while some training has been conducted for fishers, fishers do not wear life jackets. There were no indigenous peoples in fisheries. Migrants had to carry the fishing licence from their own area office.

There are no specific laws and policies to protect children nor is there any minimum age requirement in fisheries. They said that there were no restrictions in children participating in any dangerous jobs in fishing and that there were no particular programmes to support children or young people in the sector.

vi. Value chains, post-harvest and trade (4)

They often did not have facilities in the community to keep fish fresh. They said the profits were made by the trader and there were no cooperatives to help market catch. Training programmes were there only in some places to improve fish processing and marketing.

vii. Gender equality (5)

Women participate in processing, selling fish as well as making and repairing fishing gear. However, women are not allowed on the beach in Buddhist areas. Though women have the same rights as men regarding fishing, they do not often get selected as office bearers in CBOs such as cooperatives. But women have their own organisations which fight for the rights of women fisher folk in fishing communities. While there are no specific programmes, many women have received training in post-harvest technology. Women do not face harassment and feel safe.

viii. Disaster risks and climate change (6):

Yes, they have noticed climate change impacts such as seasonal shifts, coastal erosion and strong winds and storms (with higher incidence and intensity). During stormy weather fishers are continuously warned not to engage in fishing over mass media (early warnings). However, they have not received any training to adapt to climate change. They were not aware of any emergency plans for their community nor was there insurance to help tide over events.

ix. Access to justice, enforcement, and accountability (4):

For dispute resolution, they could turn to community organisation such as cooperatives. Head Priest of the Church in catholic communities helps in dispute resolution. When rules are broken, they get warnings and face penalties. They felt that SSF were treated fairly by law enforcement officers to an extent. According to them, for the last few decades concern has been more on deep sea fisheries and fish exports. However, one cannot refrain from stating that there have been social protection schemes (pension and insurance schemes) designed for SSF. However, they have been quite ineffective. However, it is understood that the new draft fisheries Act and the draft Fisheries Policy address SSF concerns strongly. At present, the Fisheries Committees, Fisheries Coordinating Committees established for lagoon management and, Fisheries Cooperatives and Rural Fisheries Organisations have been established exclusively to manage SSF. Small Scale Fishers are also represented in Fisheries Advisory Council of the Ministry of Fisheries. The present Deputy Minister of Fisheries was the former leader of a small-scale Fishers' Union.

## 4. List of priority areas/gaps

### 4.1. Outcome from Tool 1

- Sri Lanka is yet to ratify key SSF-related international conventions such as the ILO Work in Fishing Convention (C188, 2007), the Migration for Employment Convention (1949), and the Migrant Workers' Convention (1990). This gap highlights in protecting migrant and informal fish workers, who are increasingly present in Sri Lanka's fisheries.
- National implementation of ratified instruments is uneven. While some commitments are embedded in primary legislation (e.g., Fisheries and Aquatic Resources Act, No. 2 of 1996, which operationalizes UNCLOS and the UN Fish Stocks Agreement), others are only addressed through policies and strategies with limited enforceability. For instance, CEDAW obligations are reflected in the Women's Charter (1993), but this is a non-binding policy instrument, weakening protection of women in fisheries. Similarly, Sri Lanka's climate commitments under the UNFCCC and Paris Agreement are integrated into National Adaptation Plans, but fisheries-specific adaptation is poorly developed.
- Regional cooperation is relatively strong, with Sri Lanka being an active member of APFIC, BOBP-IGO, INFOFISH, and NACA. These memberships support regional collaboration in fisheries management, aquaculture, and trade. However, Sri Lanka's engagement has been more policy-driven than legally binding, raising questions about how regional participation translates into tangible benefits for small-scale fishers at the community level.
- Sri Lanka has implemented only 8 of the relevant non-binding instruments relevant to SSF. They exhibit gaps in the full implementation of international instruments relevant to small-scale fisheries, particularly in areas such as genetic resources, biodiversity, and climate adaptation. These gaps are compounded by limited integration of SSF principles into national policies, weak stakeholder engagement, inadequate enforcement, and insufficient monitoring and capacity-building mechanisms.
- Labour and safety-related instruments remain largely unimplemented. Codes and voluntary guidelines developed by FAO/ILO/IMO, as well as ILO's port State control guidelines, are absent in Sri Lanka's domestic law. This is a critical gap, given the high incidence of occupational risks, safety-at-sea challenges, and poor working conditions faced by small-scale and migrant fish workers.

### 4.2. Outcomes from Tool 2

#### i. Policy/legal framework

Sri Lanka's framework includes 28 policies, 9 primary legislations, and 5 secondary legislations, covering fisheries, labour, environment, and social development.

## ii. Definition

There is no formal legal definition of SSF, though artisanal vessels are defined in the Marine Fisheries Act, 1996 and NPOA–IUU distinguishes between artisanal and industrial fishing. However, women, Indigenous Peoples, and the value chain are entirely excluded. This absence of clarity undermines policy targeting, resource allocation, and rights recognition.

## iii. Objectives

Objectives emphasize food security and sustainability, but lack explicit reference to women, Indigenous Peoples, or social equity.

## iv. Principles

While sustainability and precautionary principles are included, human rights, gender equity, and customary practices do not find a mention under the principles listed in the fisheries policy.

## v. Institutional and administrative arrangements

Institutions like DFAR, NARA, and NAQDA are active, but SSF actors, women, and customary institutions lack formal representation. This centralization of power undermines co-management.

## vi. Tenure and access rights

Licensing regulates access, but customary tenure, preferential SSF rights, and gender-sensitive provisions are absent.

## vii. Sustainable resource management and conservation

While gear restrictions, licensing, and closed seasons exist, gaps remain in co-management, ecosystem approaches, and traditional knowledge integration. Enforcement remains inconsistent, leading to weak practical outcomes despite regulatory provisions.

## viii. Social development, employment and decent work

Welfare, housing, and education schemes exist, but safety-at-sea and international labour standards (ILO C188) are missing. This reflects a strong welfare orientation but weak labour rights protection.

## ix. Value-chains, post-harvest and trade:

There is no legal support for SSF market access, fair trade, or post-harvest improvements. Given SSF's major role in domestic food supply, this is a critical policy blind spot.

x. **Gender equality**

While women's roles are recognized in the Women's Charter and national plans, provisions remain non-binding. Legal enforcement of women's rights in SSF is weak.

xi. **Disaster risks and climate change**

Fisheries are included in NAPs and NDCs, but SSF-specific adaptation measures and insurance mechanisms are missing. As SSF communities are highly climate-vulnerable, this represents a serious resilience gap.

xii. **Access to justice, enforcement, and accountability**

Legal provisions exist, but access to justice for SSF remains limited by costs, institutional barriers, and lack of awareness. Accountability mechanisms lack inclusivity, and enforcement is uneven across scales, raising concerns of equity and fairness.

### **4.3. Outcomes from Tool 3**

The following is based on the Community Perspective.

i. **Recognition of small-scale fishers**

The community voted yes to all questions. They consider themselves small-scale fishers. They use small crafts, many artisanal and few motorised, operate in nearshore coastal waters engaged in one day fishing trips targeting small fish varieties.

ii. **Institutional and administrative arrangements**

The community voted yes to all questions. They said that their voice was heard at all levels, and women were always represented in the institutions. Delegation of authority to regional offices was there which improves the management and sustainability of small-scale fisheries.

iii. **Tenure and access rights**

Registration of boats was easy and all required licences to fish. The process was fair and transparent. Migration within the country was common but they had to get a license from Department of Fisheries in their residential area before migration. No barriers were identified.

A clear shortfall may be identified here that there are no designated areas for SSF and concerns are regarding land grabbing by tourism stakeholders violating customary rights of fishers to the beach and near shore waters. There were no reports of forced evictions in recent times.

#### iv. Sustainable resource management and conservation

Comanagement was seen in lagoon fisheries because boundaries were clear and roles and responsibilities were clear in fisheries councils.

Participation by invitation can be identified as a shortcoming as is agenda-based decision making by authorities. They were not aware of a national plan against IUU fishing but said that it should include SSF. The other shortcoming referred to the decision makers not having knowledge about the community legal system or its traditional knowledge.

#### v. Social development, employment and decent work

While various schemes were available, they were not very effective. The same was the case for subsidies. Safety gear such as life jackets were available but not worn.

Women work on daily wages and do not get any kind of benefits – this is an identified gap. The other gap is with there being no minimum age for children to work in fisheries nor restrictions in their participation in any aspect. There were no programmes to support children or young people in the sector.

#### vi. Value chains, post-harvest and trade

Lack of facilities in the community to keep fish fresh resulted in profits made by the trader; there were no cooperatives to help market catch. Training programmes were there only in some places to improve fish processing and marketing.

#### vii. Gender equality

Though women have the same rights as men regarding fishing, they do not often get selected as office bearers in CBOs such as cooperatives. But women have their own organisations which fight for the rights of women fisher folk in fishing communities.

#### viii. Disaster risks and climate change

While there were early warnings during cyclones, no training to adapt to climate change has been given nor are there emergency plans for their community or insurance to help tide over events.

#### ix. Access to justice, enforcement, and accountability

There were no major issues with respect to dispute resolution; apart from the fisheries department, their own community organisations played a role in dispute resolution.

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## 5. Annexures

### 5.1. Annex A: Tool 1

**Table 1: Legally Binding International Instrument relevant to SSF**

S. No	Legally binding international instruments relevant to SSF	Status (Signatory/ Party/ Not a party)	Related Policy/ Legislation	Comments/ explanatory notes
1.	1930 ILO Forced Labour Convention No. 29	Party	Employment of Women, Young Persons and Children Act, 1956	
2.	1946 International Convention for the Regulation of Whaling	Not a Party		
3.	1948 ILO Freedom of Association and Protection of the Right to Organize Convention	Party	Trade Unions Ordinance (1935), amended	
4.	1949 ILO Migration for Employment Convention (Revised) No. 97	Not a Party		
5.	1951 ILO Equal Remuneration Convention No.100	Party	National Labour Laws	
6.	1957 ILO Abolition of Forced Labour Convention No. 105	Party	Labour laws	
7.	1958 ILO Discrimination (Employment and Occupation) Convention No. 111	Party	National Human Rights Action Plans	
8.	1965 International Convention on the Elimination of all Forms of Racial Discrimination	Party	Constitution of Sri Lanka (Articles 12, 27)	

<b>S. No</b>	<b>Legally binding international instruments relevant to SSF</b>	<b>Status (Signatory/ Party/ Not a party)</b>	<b>Related Policy/ Legislation</b>	<b>Comments/ explanatory notes</b>
9.	1966 International Covenant on Civil and Political Rights	Party	ICCPR Act No. 56 of 2007	
10.	1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)	Party	National Human Rights Action Plans	
11.	1971 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat	Party	Fauna and Flora Protection Ordinance	
12.	1973 ILO Minimum Age Convention No. 138	Party	Children and Young Persons Ordinance	
13.	1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Party	Fauna and Flora Protection Ordinance	
14.	1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).	Party	Women's Charter (1993)	
15.	1982 United Nations Convention on the law of the Sea	Party	Fisheries and Aquatic Resources Act, 1996	
16.	1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Party	Convention Against Torture Act No. 22 of 1994	
17.	1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Not a Party		
18.	1990 Convention on the Rights of the Child (CRC)	Party	National Child Protection Authority Act	

<b>S. No</b>	<b>Legally binding international instruments relevant to SSF</b>	<b>Status (Signatory/ Party/ Not a party)</b>	<b>Related Policy/ Legislation</b>	<b>Comments/ explanatory notes</b>
19.	1992 United Nations Framework Convention on Climate Change (UNFCCC)	Party	National Adaptation Plans, Climate Change Policy	
20.	1992 Convention on Biological Diversity (CBD)	Party	Biodiversity Act (draft), Fisheries Act 1996	
21.	1994 WTO General Agreement Tariffs and Trade.	Member	Import/export regulation framework	
22.	1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA).	Party	Fisheries Act 1996, High Seas fishing regulations	
23.	1999 ILO Worst Forms of Child Labour Convention No. 182.	Party	National Action Plan to Eliminate Child Labour	
24.	2006 Convention on the Rights of Persons with Disabilities	Party	Protection of Persons with Disabilities Act, 1996	
25.	2006 International Convention for the Protection of All Persons from Enforced Disappearance.	Not a Party		
26.	2007 ILO Work in Fishing Convention No. 188.	Not a Party	Fisheries Act 1996 partially aligned	
27.	2010 Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.	Party	Access and Benefit Sharing Regulations (draft)	
28.	2015 Paris Agreement	Party	Nationally Determined Contributions (NDCs)	

**Table 2: International non-binding Instruments relevant to SSF**

<b>S. No</b>	<b>International guidance instruments relevant for SSF</b>	<b>Status (implemented or not at national level)</b>	<b>Legal/ Policy basis</b>	<b>Comments / explanatory notes</b>
1.	1968 Code of Safety for Fishermen and Fishing Vessels (revised).	Not Implemented	Fisheries and Aquatic Resources Act, 1996; Merchant Shipping Act, 1971	Safety requirements exist for vessels, but not fully aligned with updated FAO/ILO/IMO standards
2.	1980 FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels.	Not Implemented	Ministry of Ports and Shipping Guidelines	Some technical standards followed for registration; implementation lacks enforcement in artisanal fleet
3.	1992 UNGA Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.	Implemented	Constitution of Sri Lanka, Art. 10–12	
4.	1995 UN Fourth World Conference for Women’s Beijing Declaration and Platform for Action (Beijing Declaration).	Implemented	National Plan of Action for Women (2014–2018); Women’s Charter	
5.	1995 FAO Code of Conduct for Responsible Fisheries (CCRF).	Implemented	Fisheries and Aquatic Resources Act, 1996; NPOA-IUU, 2021	
6.	1999 UN Declaration on human rights defenders.	Not Implemented	Human Rights Commission Act, 1996	Legal framework exists; limited fisheries-specific protection for SSF leaders
7.	2002 CBD COP Decision VI/7 Annex Akwe: Kon Voluntary guidelines for the conduct of cultural, environmental and social impact	Not Implemented		

<b>S. No</b>	<b>International guidance instruments relevant for SSF</b>	<b>Status (implemented or not at national level)</b>	<b>Legal/ Policy basis</b>	<b>Comments / explanatory notes</b>
	assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.			
8.	2004 FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines).	Not Implemented	Food Security Policy Draft (MoA); Poverty Alleviation Strategies	Not formally adopted, but aligned in food security objectives
9.	2005 FAO Technical Guidelines for Responsible Fisheries No. 10 “Increasing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security”	Implemented	National Fisheries Policy Draft; SSF Development Strategies	
10.	2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP).	Not Implemented	National Policy on Indigenous Communities (Vedda)	Limited relevance; SSF communities not formally categorized as Indigenous
11.	2010 FAO/ILO/IMO Safety Recommendations for Decked Fishing Vessels of Less than 12 Metres in length and Undecked Fishing Vessels.	Not Implemented	Sri Lanka Maritime Administration Guidelines	
12.	2010 ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No.188).	Not Implemented		
13.	2011 UN Guiding Principles on Business and Human Rights.	Not Implemented	National Human Rights Action Plan	Business accountability is being integrated slowly into SSF supply chains

<b>S. No</b>	<b>International guidance instruments relevant for SSF</b>	<b>Status (implemented or not at national level)</b>	<b>Legal/ Policy basis</b>	<b>Comments / explanatory notes</b>
14.	2012 UN Conference on Sustainable Development' outcome document 'The Future We Want'	Implemented	Sri Lanka National Sustainable Development Strategy (2019)	
15.	2012 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the Context of National Food Security (VGGT).	Not Implemented	Land Commission Act; Customary marine tenure not recognized	
16.	2013 CITES COP Resolution 16.6 (Rev. COP 18) CITES and Livelihoods	Implemented	CITES implementation through Fauna and Flora Protection Ordinance	
17.	2014 FAO Principles for responsible Investment in Agriculture and Food Systems.	Not Implemented	National Agricultural Policy	Includes fisheries in sustainable investments, but no SSF-specific component
18.	2014 CBD COP Decision XII/5 Annex Chennai Guidance for the Integration of Biodiversity and Poverty Eradication.	Not Implemented	Biodiversity Strategic Action Plan (NBSAP 2016–2022)	Poverty–biodiversity link acknowledged in policy goals
19.	2015 UN Sustainable Development Agenda and the Sustainable Development Goal (SDG).	Implemented	Sri Lanka SDG Roadmap	
20.	2016 CBD COP Decision XIII/18Mo'otz Kuxtal Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the “prior and informed consent”, “free, prior and informed consent” or “approval and involvement”, depending on national circumstances, of Indigenous Peoples and local communities for accessing theirs knowledge, innovations and practices	Not Implemented		

<b>S. No</b>	<b>International guidance instruments relevant for SSF</b>	<b>Status (implemented or not at national level)</b>	<b>Legal/ Policy basis</b>	<b>Comments / explanatory notes</b>
	relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge.			
21.	2016 FAO How- to Guide on Legislating for an ecosystem Approach to Fisheries.	Not Implemented	Draft Ecosystem Approach to Fisheries Policy (BOBLME Phase II)	Integrated gradually; pilot projects in lagoons and estuaries
22.	2017 ILO Guidelines of flag State inspection of working and living conditions on board fishing vessels.	Not Implemented		
23.	2018 UN Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP)	Not Implemented	National Agriculture Extension Policy (inclusion of fishers); Human Rights Policy	Principles overlap with SSF protection, not formally recognized
24.	2015 A New Song for Coastal Fisheries, Pathways to Change: The Noumea Strategy.	Not Implemented	Coastal Fisheries Development Plans (BOBLME Phase II)	Aligned in vision, but not formally adopted; community co-management promoted

## 5.2. Annex B: Tool 2

**Table 1: List of National Policy and Legal Instruments Assessed in this Report**

Type	Identification	Original Title	Year or Timeframe	Amendments
National Fisheries Policy	A1	National Fisheries and Aquaculture Policy	2018	
	A2	National Policy and Strategy on Cleaner Production for the Fisheries Sector	2008	
	A3	National Plan of Action to Prevent, Deter and Eliminate IUU Fishing (NPOA-IUU)	2020	
	A4	National Plan for the Safety of Fishers and Fishing Vessels at Sea	2013	
National Fisheries Primary Legislation	B1	Fisheries and Aquatic Resources Act, No. 2	1996	2017
	B2	National Aquatic Resources Research and Development Agency (NARA) Act, No. 54	1981	
National Fisheries Secondary Legislation	C1	Local Fishing Boats (Life Jackets) Regulations	2008	
	C2	Regulation on Fisheries Imposition of Fees	2021	
	C3	Regulation on Conservation of Fish and Aquatic Resources within Sri Lanka Waters	2016	
	C4	Implementation of Satellite based Vessel Monitoring System (VMS) and other Electronic Vessel Monitoring Systems for Fishing Vessels Operating in Sri Lanka Waters and High Seas Regulations (2022) Gazette extraordinary No. 2310/37	2022	
	C5	Registration of Fishing boats Regulations, 1980 {Amendment} Gazette Extraordinary No. 948/24	1996	
	C6	Fishing Boat Safety (Design, Construction, and Equipment) Regulations Gazette Extraordinary No. 1600/13	2009	

Type	Identification	Original Title	Year or Timeframe	Amendments
	C7	Madel (Beach Seine) Fishing Regulations Gazette Extraordinary No. 337/48	1985	
	C8	Fishing Operations regulations of 1996 Gazette Extraordinary No. 948/25	1996	
	C9	The Fishing Gear Marking Regulations No 1 of 2015 Gazette Extraordinary No.1904/10	2015	
	C10	The Fishing Operations Regulations of 1996 (Amendment 2023) Gazette Extraordinary No. 2319/20	2023	
	C11	The Handling and Distribution of Fish Regulations Gazette Extraordinary No. 972/14	1997	
	C12	Fisheries Regulations, 1941	1941	
	C13	Spiny Lobster and Prawn (Shrimp) Regulations, 1973	1973	
	C14	Regulations on Landing of Fish, as amended in 2008 and 2011	1997	
	C15	Regulations on Lobster Fisheries Management	2000	
	C16	Fish Processing Establishment Regulations No. 1 of 2003	2003	
	C17	Regulations on Fish Catch Data Collection	2014	
	C18	The Fishing Gear Marking Regulations No 1 of 2015 Gazette Extraordinary No.1904/10	2015	
	C19	Regulations No. 1 on Fishing Gear Marking	2015	
	C20	Regulations on the Prohibition to Catch Fish spp thambuwa ( <i>Cephalopholis sonnerati</i> )	2017	
	C21	Regulations No. 1 on Prohibition of the Use of Spears in Fishing Operations	2017	

Type	Identification	Original Title	Year or Timeframe	Amendments
	C22	Regulation on Blue Swimming Crab Fishery Management	2022	
	C23	The Fishing Operations Regulations of 1996 (Amendment 2023) Gazette Extraordinary No. 2319/20	2023	
	C24	Departure and Arrival of Mechanized Fishing Boats Regulations, No. 1 of 2023	2023	
	C25	Mud Crab Fishery Management Regulations	2024	

**Table 2: Responses to the SSF Policy and Legal Questionnaire**

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
<b>1. Definition</b>				
1.1.	Is the term small-scale fisheries or related terms defined in the policy and legal framework?	No		While fish, fishing operation etc are defined, fishers are not
1.2.	Does the term related to small-scale fisher include women?	No	A1: <a href="#">Sec 4.5</a>	There are references to small-scale fishers and women in the policy
1.3.	Does the term related to small-scale fisheries differentiate commercial and subsistence?	No	A1: <a href="#">Sec 4.5</a>	<b>A1: Mention is made of subsistence fishers only with respect to tenure rights.</b> C14: Application Forms – <a href="#">Form A (Reg. 2)</a> , <a href="#">Form B (Reg. 4)</a> , <a href="#">Form E/F (Reg. 12)</a> <b>C14:</b> These forms distinguish between boats which indirectly implying a differentiation between subsistence and commercial activities. However, the distinction is not formally defined or explained.

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
1.4.	Does the term related to small-scale fisheries include reference to the entire value chain (pre-harvesting, harvesting, and post-harvesting)?	No	A1: <a href="#">Sec 4.3</a> (Consumer and Markets); <a href="#">4.5</a> (Socio economic) A2: Sec <a href="#">6.6</a> , <a href="#">6.11</a> , <a href="#">7.1</a> , <a href="#">7.7</a>	<b>A1:</b> While the value chain elements are mentioned (e.g. production, processing, marketing), they are not explicitly linked to the term "small-scale fisheries". <b>A2:</b> These sections mention post-harvest loss reduction and cleaner production throughout the supply chain, though without explicit mention of SSF.
1.5.	Do any of the terms related to small-scale fisheries include Indigenous Peoples?	No		
<b>2. Objectives</b>				
2.1.	Do the objectives of the policy and legal framework include reference to small-scale fisheries?	Partially	<a href="#">A4: Sec II</a>	The objectives refer to improving socio-economic conditions of the fisher community, which may be taken as an indirect reference to SSF
2.2.	Do the objectives include recognition of SSF to food security and nutrition?	Yes	A1: <a href="#">Sec 3</a> ; <a href="#">Sec 4.3</a> (Consumer and markets) A2: <a href="#">Sec 5.1</a>	<b>A1:</b> Objective 6 is "Increased per capita consumption of fish" which can be taken as an indirect reference to food security and nutrition. <b>A2:</b> It emphasizes improving nutritional status and food security through increased fish production, but without specific reference to SSF.
2.3.	Do the objectives refer to achieve the sustainable utilization and responsible management of fisheries resources?	Yes	A1: <a href="#">Sec 3</a> A2: <a href="#">Sec 4.1</a> , <a href="#">4.3</a> , <a href="#">5.2</a> ; <a href="#">6.1</a> , <a href="#">6.10</a>	The first objective is "Sustainable management of resources using science-based information"

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
			A3: <a href="#">Pg 14, 9.4</a>	
2.4.	Do the objectives include references to women?	No	A1: <a href="#">Sec 4.5.1 – 4.5.4</a>	A1: Not objectives but there is a section on Gender with four points; in addition, women are mentioned with respect to the need to improve their socioeconomic conditions, and in connection with generating employment opportunities
2.5.	Do the objectives include references to Indigenous Peoples?	No		
<b>3. Principles</b>				
3.1.	Do the principles of the policy and legal framework explicitly refer to small-scale fisheries?	No		
3.2.	Does the main fisheries policy include any of the principles of the SSF Guidelines that enshrine the human rights-based approach? *	Yes	A1: <a href="#">Sec 4.5</a> (Other Areas: Gender, Socio-economic, Human Rights)	
3.3.	Does the main fisheries legislation include any of the principles that enshrine the human rights-based approach? *	Partially	A2: <a href="#">Sec 6.8, 6.10; 7.10, 7.11</a>	<b>A2:</b> Encouragement of public-private partnerships, livelihood diversification, and data collection reflect inclusivity and participatory management, but do not explicitly state human rights principles such as non-discrimination or gender equality.

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
* For ease of reference: human rights and dignity; respect of cultures; non-discrimination; gender equality and equity; equity and equality; consultation and participation; rule of law; transparency; accountability; economic, social and environmental sustainability; holistic and integrated approaches; social responsibility; and feasibility and social and economic viability.				
<b>4. Institutional and administrative arrangements</b>				
4.1.	Is there a government institution specifically in charge of small-scale fisheries?	Partially	B1: <a href="#">Part I: 2</a>	The <b>Department of Fisheries</b> and Aquatic Resources (DFAR) of <b>Sri Lanka</b> is responsible for the management and regulation of marine <b>fisheries</b> in the country.
4.2.	Is there representation of small-scale fisheries actors in any national fisheries authority?	Partially	B1: <a href="#">Part I: 3 (1) (l) (o)</a>	Fisheries and Aquatic Resources Advisory Council - (l) two persons engaged in fishing nominated by the Sri Lanka National Federation of Fisheries Co-operative Societies Ltd.; and (o) two representatives of women engaged in fishing
4.3.	Is there representation of women any national fisheries authority?	Yes	B1: <a href="#">Part I: 3 (1) (o)</a>	Fisheries and Aquatic Resources Advisory Council: includes - o) two representatives of women engaged in fishing
4.4.	Is there representation of Indigenous Peoples in any national fisheries authority?	No		
4.5.	Is the role of the government institution relevant to small-scale fisheries solely advisory?	No		
4.6.	Is the role of the small-scale fishers clearly defined?	Partially	B1: <a href="#">Sec 32 (2)</a> ; <a href="#">Sec 33 (1)</a>	

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
				<b>B1:</b> Fishers (not specifically “small-scale”) have roles in forming Fisheries Committees and maintaining registers, indicating a degree of defined role.
4.7.	Does the policy and/or legislation recognize customary or Indigenous institutional arrangements?	Yes	A1: <a href="#">Sec 4.5.22</a>	<b>A1:</b> The policy respects the tenure rights of traditional and subsistence fishers, implying recognition of customary arrangements.
4.8.	Are there provisions for the delegation of authority to the local/community level?	Yes	<a href="#">A4:</a> Sec V; Sec VI	
<b>5. Tenure and access rights</b>				
5.1.	Is there a registry for fishers?	Yes	A3: <a href="#">Pg 25-26</a> B1: <a href="#">Sec 33 (1)</a>	
5.2.	Are there specific requirements for the registration of small-scale fishers?	Yes	B1: <a href="#">Sec 33 (1)</a>	
5.3.	Are there specific requirements for the registration of women?	No		There is no mention of registration of women fishers
5.4.	Are there specific requirements for the registration of Indigenous Peoples?	No		There is no mention of registration of indigenous peoples
5.5.	Is there any exemption from obtaining a fishing license?	No		

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
5.6.	Is there any special requirement for small-scale fishers in the application for a fishing license?	Partially	A4: Sec VIII, Attachment III	A4: Differentiation is made between non-motorized, coastal motorized, and offshore fishers in training, vessel classification, and procedures. These imply licensing or certification, though the term “license” is not explicitly discussed in detail.
5.7.	Are there any requirements for preferential access by small-scale fishers to fishery resources?	Partially	A1: <a href="#">Sec 4.5.22</a>	A1: The policy supports tenure rights of artisanal, traditional, and subsistence fishing communities, which can imply preferential access.
5.8.	Does the policy or legislation establish exclusive access for small-scale fishers?	No		
5.9.	Is there any special requirement for small-scale fisher license holder to transfer his/her license?	Partially	C7: <a href="#">Sec 22</a>	C7: The regulation specifies only that a registered madel owner can nominate legitimate heirs to continue operations after death. If no nomination is made, the right is inherited by legitimate heirs. This establishes a restrictive, family-based transfer mechanism, qualifying as a special requirement.
5.10.	Does the policy and/or legislation recognize customary tenure rights?	Yes	A1: <a href="#">Sec 4.5.22</a>	
5.11.	Does the policy and/or legislation recognize Indigenous tenure rights?	No		Not mentioned
5.12.	Does the environmental policy and/or legislation prohibit forced eviction of	Partially		<b>Involuntary Resettlement:</b> The process of resettlement is guided by national policies like

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
	small-scale fishers and their communities?			<p>the <a href="#">National Involuntary Resettlement Policy (NIRP)</a>, which aims to ensure fair and adequate compensation, relocation, and rehabilitation of displaced persons.</p> <p><b>Land Acquisition and Compensation:</b> EIAs address land acquisition for projects, often requiring adherence to the <a href="#">Land Acquisition Act (LAA)</a> and ensuring compensation at replacement cost.</p>
5.13.	Does the environmental policy and/or legislation provide clear safeguards (e.g., prior notification in a timely manner, compensatory measures, reparation) for small-scale fishers and their communities in the case of relocation?	Partially	A1: <a href="#">Sec 4.5.20</a>	<b>A1:</b> The policy provides for compensation to fishers affected by development projects but lacks comprehensive safeguards. These may be found in the NIRO and the LLA mentioned previously
<b>6. Sustainable resource management and conservation</b>				
6.1.	Does the policy and/or legislation provide for the ecosystem approach to fisheries?	Yes	A1: <a href="#">Sec 4.1.2</a> ; <a href="#">Sec 4.2.1</a> A2: <a href="#">5.2</a> , <a href="#">6.2</a> , <a href="#">6.10</a> , <a href="#">7.2</a> , <a href="#">7.5</a> , <a href="#">7.10</a>	
6.2.	Is there a requirement for fisheries management to apply the precautionary principle?	Yes	A1: <a href="#">Sec 4.1.2</a> ; <a href="#">Sec 4.2.18</a>	

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
6.3.	Is there a register of fishing vessels? If yes, please specify if the vessel is required to register with the fisheries authority, maritime authority or any other applicable authority.	Yes	B1. Part III Register of local fishing boats	Boats are required to register under the FARA in the register maintained by the Director-General of Fisheries and Aquatic Resources
6.4.	Are there any special requirements for registration applicable to small-scale fishing vessels?	No		
6.5.	Does the fisheries legislation exempt subsistence small-scale fishing from certain responsibilities (e.g., registration, payment of licence fees)?	Partially	C5: <a href="#">Regulation 9(3)</a> , <a href="#">Regulation 9(6)</a>	<b>C5:</b> There is no explicit exemption from registration or licensing requirements; all fishing requires a license (Regulation 9(2)). Thus, the exemption is implied operationally but not formally codified in terms of administrative responsibilities like licensing or fees.
6.6.	Is there a fisheries management scheme in place that reflects co-management?	Yes	A1: <a href="#">Sec 4.1.14</a> ; <a href="#">Sec 4.2.11</a> B1: <a href="#">Sec 32 (1)</a>	
6.7.	Where there is co-management in place, are roles and responsibilities of small-scale fishers clearly defined?	Partially	B1: <a href="#">Sec 32 (2)</a>	<b>B1:</b> The roles of registered fishers (not specifically SSF) in Fisheries Committees are outlined.
6.8.	Is there a requirement to use traditional knowledge in fisheries management?	No		
6.9.	Do the conditions for granting a fishing license require the applicants to be a	Yes	A3: <a href="#">Pg 26</a>	<b>A3:</b> Only “local fishing boats” can be registered, and these must be owned by Sri Lankan nationals or entities.

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
	national, and not allow for a migrant to apply?			
6.10.	Is there a specific arrangement for establishing quota to small-scale fisheries?	No		
6.11.	Is there a specific arrangement for establishing quota to women?	No		
6.12.	Is there a specific arrangement for establishing quota to Indigenous Peoples?	No		
6.13.	Is there a limit of fishing effort to small-scale fishing vessels?	Partially	B2: Section 31 (2)	Based on decisions by the fisheries management authority in a fisheries management area
6.14.	Are there any traditional fishing techniques, methods and ceremonies protected?	Partially	C9: <a href="#">Sec Schedule II</a>	<b>C9:</b> Traditional gear like “Ja kottu,” “Kuda Dela,” and “Wachchhal dela” are listed in the official fishing gear codes. While this reflects recognition, it is not a legal protection or cultural safeguarding measure.
6.15.	Is there a requirement to ensure participation of small-scale fishers in the process of establishing fisheries management areas?	Partially	A1: <a href="#">Sec 4.5.25</a> B1: Section 31	<b>A1:</b> Promotes fisher community participation in management measures but not specific to SSF or management areas. <b>B1:</b> Registered fishermen residing or engaged in fishing in each fisheries management area or part thereof, or migrant fishermen may form themselves into a fisheries committee whose functions shall include (a)

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
				formulating a fisheries programme for its area and implementing that programme
6.16.	Is there a requirement for the fisheries management plans to be published?	Yes	A2: <a href="#">Sec 7.13, 7.14</a>	<b>A2:</b> Refers to management plans in line with international instruments but not specifically publication.
6.17.	Does the law regulating the process for marine spatial planning allow for the participation of small-scale fishers?	Partially	A1: <a href="#">Sec 4.1.15; Sec 4.2.5</a>	<b>A1:</b> Spatial planning is addressed; no specific mention of SSF participation.
6.18.	Does the law regulating the process for marine protected areas allow for the participation of small-scale fishers?	No		The Fauna and Flora Protection Ordinance (FFPO) of 1993 is the primary legal framework for designating protected areas, including MPAs. However, there does not appear to be any participatory element in it
6.19.	Does the law regulating the process for aquaculture establishments allow for the participation of small-scale fishers?	Partially	A1: <a href="#">Sec 4.2.6</a>	<b>A1:</b> Refers to impact assessments but not participation of SSF.
6.20.	Are there any special considerations for small-scale fisheries in the provisions on fisheries research?	Partially	<a href="#">NARA</a>	Fisheries research in general
6.21.	Is there an obligation for the research institution to collect disaggregated data for small-scale fisheries?	No		There is no mention of data collection by NARA for SSF. Data is collected by Ministry of Fisheries
6.22.	Do the fisheries policy and/or legislation promote or provide for the	Partially	A1: <a href="#">Sec 4.1.33 – 34; Sec 4.5.24</a>	<b>A1:</b> Safety at sea is promoted; fisher involvement in MCS system design is not explicitly mentioned.

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
	involvement of fishers in the design of MCS systems and safety standards?		A3: <a href="#">Pg 21</a>	<b>A3:</b> Fishers are encouraged to report IUU fishing via radio or other means, but no clear involvement in design of MCS systems is stated.
6.23.	Do the fisheries policy and/or legislation promote or provide for the involvement of fishers to engage in MCS activities (e.g., community observers, inspectors, wardens)?	Partially	C9: <a href="#">Sec 11</a>	<b>C9:</b> The regulation encourages gear retrieval efforts by the crew, owner, and operator, suggesting shared responsibility, though it stops short of defining specific community monitoring roles.
6.24.	Is there a National Plan of Action (NPOA) to prevent, deter and eliminate illegal, unreported and unregulated (IUU)?	Yes	A3: <a href="#">Entire document</a>	
6.25.	Where there is an NPOA-IUU, are there any specific provisions on small-scale fisheries?	No		
6.26.	Where fisheries legislation contain provisions on Port State measures to prevent, deter and eliminate IUU fishing, or where there is legislation regulating these measures, do they apply to small-scale fisheries?	No		
6.27.	Do small-scale fishers have the duty to report on IUU fishing practices?	Yes	A3: <a href="#">Pg 21-22</a>	
<b>7. Social development, employment and decent work</b>				

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
7.1.	Does the social security scheme apply to small-scale fishers and fishworkers?	Yes	A1: <a href="#">Sec 4.5.21</a>	
7.2.	Does the savings and credits scheme apply to small-scale fishers and fishworkers?	Yes	A1: <a href="#">Sec 4.5.31</a>	
7.3.	Does the insurance scheme apply to small-scale fishers and fishworkers?	Yes	A1: <a href="#">Sec 4.1.34</a> A4: Sec VIII	
7.4.	Are any specific subsidies and insurance schemes for small-scale fishers and fishworkers?	Yes		The Agricultural and Agrarian Insurance Board, in collaboration with the Department of Fisheries, <a href="https://www.adaderana.lk/news.php?nid=111547">https://www.adaderana.lk/news.php?nid=111547</a> accessed 16 Dec 2025
7.5.	Does the fisheries policy promote decent work in fisheries?	Yes	A1: <a href="#">Sec 4.1.3</a> ; <a href="#">Sec 4.5.24</a>	
7.6.	Is there specific protection against forced labour, human trafficking, and debt-bondage?	Yes	Sri Lankan Penal Code: <a href="#">Sec 358A</a> ; <a href="#">Sec 360C</a>	It is observed in the Sri Lanka Penal Code recognizes the protection against forced labour, human trafficking, and debt-bondage. However, there is no fisheries specific policy or legislation in Sri Lanka.
7.7.	Are there specific considerations on the safety of fishers and fishworkers in the fisheries policy and/or law (e.g. awareness campaigns, trainings on search and rescue)?	Yes	A1: <a href="#">Sec 4.1.33-34</a> A3: <a href="#">Pg 21-22</a> A4: Sec IV	<b>A3:</b> Reference to safety-related training and use of VMS systems; lacks detail on fisher safety standard.
7.8.	Is there a policy and/or legislation that specifically supports or protects the	No		Sri Lanka lacks specific legislation directly recognizing and protecting indigenous peoples'

<b>S. No</b>	<b>Question</b>	<b>Yes/ No/ Partially</b>	<b>Legal and / or policy Basis</b>	<b>Comments</b>
	rights of Indigenous Peoples, which would be applicable to Indigenous Peoples in the small-scale fisheries sector?			rights in line with the UN Declaration on the Rights of Indigenous Peoples
7.9.	Does the fisheries policy and/or legislation provide for non-discrimination against Indigenous Peoples?	No		
7.10.	Is there recognition and protection of traditional knowledge of Indigenous Peoples?	No		
7.11.	Is there recognition and protection of the rights of Indigenous Peoples to occupy, and manage the resources of, the traditional/ancestral territories?	No		While indigenous people are recognized as citizens under the 1948 Citizenship Act, and are entitled to the same rights as other citizens, this doesn't address their unique needs and vulnerabilities.
7.12.	Is the free, prior, informed consent (FPIC) provided in the consultation process affecting Indigenous Peoples?	No		There is no recognition of their separate rights, they are also citizens
7.13.	Is there a policy and/or legislation that specifically supports or protects the rights of migrants, which would be applicable to migrants in the small-scale fisheries sector?	Partially		

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
7.14.	Does the labour or related legislation recognize the same rights to migrant workers as the rights of national workers (e.g. wages, working hours, health and safety standards), which would be applicable to the small-scale fisheries sector?	Partially		<a href="#">Labour law</a> A number of labour laws are available which may include migrants, and may be applicable to ssf. Specifically, there is the Interstate Migrant Workmen Act which regulates the employment of inter-state migrant workmen and to provide for their conditions of service. It is not clear if it is applicable to SSF
7.15.	Are migrant workers eligible to apply for social security scheme?	Partially		If they come under the ambit of the Interstate Migrant Workmen Act
7.16.	Is there a policy and/or legislation that specifically supports or protects the rights of children and youth, which would be applicable to children and youth in the small-scale fisheries sector (e.g. access to education, decent employment for youth)?	Yes	A1: <a href="#">Sec 4.5.6</a> ; <a href="#">Sec 4.5.27</a>	
7.17.	Is there a minimum age for working in fisheries?	Yes	Employment of Women, Young Persons, and Children Act, No. 47 of 1956, amended by Act No. 10 of 2004. <a href="#">Sec 9 (1)</a> ; <a href="#">9 (2) (a) (b)</a> ;	It is observed in the Employment of Women, Young Persons, and Children Act, No. 47 of 1956, amended by Act No. 10 of 2004, recognizes minimum age for employment in the sea. However, there is no fisheries specific policy or legislation in Sri Lanka.
7.18.	Are there any restrictions for children to engage in unsafe work or other	Yes	Employment of Women, Young	It is observed in the Employment of Women, Young Persons, and Children Act, No. 47 of 1956,

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
	activities along the fisheries value chain?		Persons, and Children Act, No. 47 of 1956, amended by Act No. 10 of 2004. <a href="#">Sec 20 (1) (2) (3); Sec 20A</a>	amended by Act No. 10 of 2004, recognizes the restriction for children. However, there is no fisheries specific policy or legislation in Sri Lanka.
7.19.	Does the fisheries policy provide for any program that address children in fisheries?	Partially	A1: Sec 4.5.27.	Promote investment in human resource development such as health, education, literacy and digital inclusion in fishing communities.
7.20.	Does the social security scheme include provisions specific to a family-economy or household labour regime?	Partially	A1: <a href="#">Sec 4.5.21</a>	<b>A1:</b> Social security is mentioned for fishers and fishworkers but not family/household regime specifically.
7.21	Are there any considerations for the maintenance of safety equipment and/or the observance of safety standards on board small-scale fishing vessels?	Yes	A3: <a href="#">Pg 21-22</a> A4: Sec VI	<b>A3:</b> Safety trainings and VMS are referenced; however, detailed safety equipment standards are not specified.
7.22.	Does the fisheries policy promote the compliance with sea safety standards for fishing vessels?	Yes	A1: <a href="#">Sec 4.1.32-33</a>	
7.23.	Is there a specific policy and/or legislation on safety standards for fishing vessels?	Yes	C6: <a href="#">Entire document</a>	
7.24.	Is there any mechanism for small-scale fishers to report on accidents or	Yes	<a href="#">A4:</a> Sec VI	

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
	incidents occurred during their activities?			
<b>8. Value-chains, post-harvest and trade</b>				
8.1.	Are there any special considerations for small-scale fisheries in the provisions on trade in fisheries and fishery products?	Partially	A1: <a href="#">Sec 4.3.5; 4.3.9; 4.5.2 – 4.5.3</a>	<b>A1:</b> While the policy promotes quality and traceability across the value chain and supports small-scale actors (e.g. women in micro-enterprises), it does not explicitly distinguish SSF in trade policies.
<b>9. Gender equality</b>				
9.1.	Is there a policy and/or legislation that specifically supports or protects the rights of women, which would be applicable to women in the small-scale fisheries sector?	Yes	A1: <a href="#">Sec 4.5.2 – 4.5.3; 4.5.21, 4.5.15 – 4.5.18</a>	
9.2.	Does the fisheries policy and/or legislation provide for gender equality?	Yes	A1: <a href="#">Sec 4.5.15 – 4.5.18</a>	
9.3.	Does the fisheries policy and/or legislation provide for non-discrimination against women?	Yes	A1: <a href="#">Sec 4.5.17</a>	
9.4.	Are there any measures or requirements in place which grant preferential treatment to women?	Partially	A1: <a href="#">Sec 4.5.2</a>	<b>A1:</b> Special attention to widows and support for micro-enterprises indicates preferential measures, but not systemic across all programs.

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
9.5.	Does the labour or related legislation provide for maternity rights (e.g., paid leave, healthcare, safety), which would be applicable to small-scale fisherwomen?	Yes	Maternity Benefits Ordinance No. 32 of 1939, <a href="#">Sec 2</a>	It is observed in the Maternity Benefits Ordinance No. 32 of 1939, recognizes maternity rights for women. However, there is no fisheries specific policy or legislation in Sri Lanka.
9.6.	Are there any measures to prevent and eliminate violence against women?	Yes	Penal Code of Sri Lanka. <a href="#">Sec 345</a> ; <a href="#">Sec 360A</a> ; <a href="#">Sec 365 A</a>	These laws are general, not fisheries-specific. They do offer legal protection to all women, including fisherwomen, if enforced locally. No special grievance mechanisms exist for women in fisheries communities.
<b>10. Disaster risks and climate change</b>				
10.1.	Does the fisheries policy consider climate change in the provisions relating to fisheries management?	Yes	A1: <a href="#">Sec 4.5.9, 4.5.13 -4.5.14</a>	
10.2.	Does the climate change policy consider fisheries management?	Partially	National Climate Change Policy, <a href="#">Section B: Adaptation</a>	Although not using the term "fisheries management" explicitly, the documents highlight the importance of ecosystem-based approaches, resource sustainability, and climate resilience in fisheries sectors.
10.3.	Does the climate change policy or strategy address small-scale fisheries?	No		Not specifically
10.4.	Does the fisheries policy recognize the vulnerabilities of small-scale fisheries to climate change?	Partially	A1: <a href="#">Sec 4.5.13</a> ; <a href="#">4.5.22</a> A4: Sec I; Sec III	<b>A4:</b> Vulnerabilities of fishers are acknowledged in terms of safety at sea and disasters, but not

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
				specifically linked to climate change or small-scale fishers
10.5.	Is there an insurance scheme or funds available to support small-scale fishers in the event of climate change or disaster risk?	Partially	A1: <a href="#">Sec 4.1.34</a> ; <a href="#">4.5.11</a>	<b>A1:</b> The policy promotes insurance and disaster recovery assistance generally; not specific to SSF.
<b>11. Access to justice, enforcement, and accountability</b>				
11.1.	Is there a public legal advisor or office to whom/which small-scale fishers can resort to for legal assistance?	Yes	Legal Aid Commission Act No. 27 of 1978, <a href="#">Sec 4</a>	The Legal Aid Commission operates island-wide, including in coastal districts. While it is not fisheries-specific, small-scale fishers can access general legal aid services, especially on land tenure, criminal complaints, or family disputes. Eligibility is based on income level.
11.2.	Does the fisheries legislation provide for alternative means for conflict resolution (e.g., mediation, village councils)?	No		
11.3.	Does the fisheries legislation provide for community participation in the enforcement of fisheries legislation?	Partially	A1: <a href="#">Sec 4.5.25</a> ; <a href="#">4.1.14</a> A2: <a href="#">Sec 7.11</a>	<b>A1:</b> Policy encourages fisher community participation in management, but does not clearly assign enforcement roles. <b>A2:</b> There is a reference to co-management and local authority involvement, which may imply participation, but details are lacking.

S. No	Question	Yes/ No/ Partially	Legal and / or policy Basis	Comments
11.4.	Does the fisheries legislation differentiate the offences committed by small-scale fishing vessels?	Partially	A3: <a href="#">Pg 44-45</a> , Sec 49 (7)	<b>A3:</b> Offence categories and penalties are differentiated by vessel length, which can indirectly reflect SSF, but SSF is not defined or explicitly mentioned.
11.5.	Does the fisheries legislation provide for different penalties for small-scale fishing vessels?	Partially	A3: <a href="#">Pg 45-46</a> , Sec 49 & Annex 1	<b>A3:</b> Penalties vary based on vessel size, which may capture SSF by proxy, but are not distinctly codified as SSF penalties.

### 5.3. Annex C: Tool 3

**Table: Response to Policy and Legal Implementation Questionnaire for Communities**

S. No	Question	Yes	No	Not Sure	Comments
<b>1. Recognition of small-scale fishers</b>					
1.	In your community, do people generally consider themselves small-scale fishers (whether they fish or a living, for food, or both)?	X			Yes. Small crafts, many artisanal and few motorised, operating in coastal waters engaged in one day fishing trips and operating in near shore waters, targeting small fish varieties
2.	Do you think there is a clear understanding in your community about what “small-scale fisheries” means?	X			
3.	In your experience, is the term “small-scale fisher” used in any laws or policies to support fishers?	X			Mainly in Community law. But state often has programmes for SSF
4.	Do you know if the term “small-scale fisher” includes women in your community?	X			Women form a strong group (the study was done in Catholic Communities in the west, where women are actively engaged in fish marketing and other ancillary activities.
5.	Are people involved in post-harvest activities (e.g., processing fish, selling fish) recognized as part of the fishing community?	X			Yes, mainly fish drying
6.	Do the objectives of the policy and legal framework include reference to small-scale fisheries?			X	We think so. But no implementation
<b>2. Institutional and administrative arrangements</b>					
7.	Is there a specific government institution or authority responsible for managing small-scale fisheries in your country or community?	X			Department of Fisheries

S. No	Question	Yes	No	Not Sure	Comments
8.	If yes, do you think the government institution is doing enough to address the needs of small-scale fishers?	X			Not enough. Probably lack of funds
	Please elaborate your response and give examples: <b>licensing, transfer of boats, banned gear monitoring, banned fish,</b>				
9.	Are small-scale fishers represented in any national fisheries authority or institution (e.g., ministry, agency, or commission)?	X			Not exactly. But fishers have formed their own association. Ex. Cooperatives, Rural Fisheries Organisations, United Fishermen's Union, etc. At the Advisory Council of the Department of Fisheries.
10.	Do you think the representation of small-scale fishers in these authorities is effective and allows their voices to be heard in decision-making?	X			To a good extent. Our voices are heard. But decisions are made them which may not address our burning issues
11.	Are women represented in any national fisheries authority or institution that deals with small-scale fisheries?	X			Women are always represented in institutions that rise up to national level
12.	Are Indigenous Peoples represented in any national fisheries authority or institution that deals with small-scale fisheries?		X		No Indigenous people in Sri Lanka's fisheries
13.	Are there provisions for delegating authority over small-scale fisheries to the local or community level (e.g. local government, fishing cooperatives, or community-based organizations)?	X			Yes. To Regional offices of Department of Fisheries, Cooperatives, Fisheries Committees (in Lagoons) (FC), Lagoon Fisheries Coordinating Committees (LFCC)
14.	Do you think that delegating authority to the local/community level improves the management and sustainability of small-scale fisheries?	X			Yes. FCs, LFCCs, Coops, Rural Fisheries Organisations.
<b>3. Tenure and access rights</b>					

S. No	Question	Yes	No	Not Sure	Comments
15.	Are small-scale fishers in your community officially registered in a fishers' registry?	X			Yes boat Census have been carried out before (2006) and at present there is a boat Census on going.
16.	Is the registration process accessible and affordable?	X			Yes. No issues
17.	Are there special efforts or procedures to assist women register as fishers?	X			Yes. Women can get registered. No issue. There are instances of women forming fisheries associations just to help their husbands (in Catholic Communities of the west). Ex. Women's Theppam (log raft) Association.
18.	Are Indigenous Peoples in your community able to register and be recognized in consistency with their customary rights?		X		No indigenous people in Sri Lanka's fisheries
19.	Do small-scale fishing vessels have to register separately or follow different rules from larger vessels?	X			Craft owners are registered by type of craft
20.	Is subsistence fishers exempt from registration or license fees?		X		All are included
21.	Do small-scale fishers need a license to fish in your area?	X			Yes. No body is allowed to engage in fishing operations without a license
22.	Is the licensing process fair and transparent?	X			Very fair and transparent. No issues
23.	Are there any groups that face barriers in getting a license? (Select all that apply) a. Women <b>No Issue</b> b. <del>Indigenous Peoples</del> c. Migrants X (from your village) Migration is a common practice. They have to get a license from Department of Fisheries in their residential area before		X		

S. No	Question	Yes	No	Not Sure	Comments
	<p>migration. Ex. Fishers from West Coast go to Mannar in the North and Fishers from the South (Galle, Matara, Hambantota, etc.) go to Kirinda and Amaduwa (in the natural reserve area of YALA). They fish without any problem.</p> <p>d. Youth . No issue</p> <p>e. Poor/low-income fishers <b>No issue</b></p> <p>f. None</p> <p>g. Don't know</p> <p>If you checked any group: what type of barriers do they face?</p>				
24.	Do small-scale fishers have special or preferential access to certain fishing areas?		<b>X</b>		No special areas designated for SSF
25.	Are traditional fishing grounds respected and protected from other sectors? (e.g. large-scale fishers, tourism, extractive industries)?		<b>X</b>		There are Blue Injustices (Land grabbing by tourism stakeholders have violated customary rights of fishers to the beach and near shore waters). There is no threat from large scale fisheries. Their operations are confined to offshore and deep sea and international waters, where SSF are not in operation
26.	Are there any cases of forced evictions of fishers or fishing communities in recent years?	<b>X</b>			No incidences
27.	If relocation happened, were proper safeguards (e.g., consultation, compensation) in place?	<b>X</b>			Not relevant
<b>4. Sustainable resource management and conservation</b>					
28.	Is there a co-management system in place where small-scale fishers share decision-making power with the government?	<b>X</b>			Only in lagoon fisheries: Fisheries Committees and Lagoon Fisheries Co-Management Committee.

S. No	Question	Yes	No	Not Sure	Comments
					Lagoons are easier to manage because the boundaries are clear.
29.	If co-management exists, are the roles and responsibilities of small-scale fishers clearly defined and respected?	<b>X</b>			Yes very clear in FCs.
30.	Do small-scale fishers have a say when fisheries management areas are created?	<b>X</b>			Yes. Not enough participation. Even if SSF fishers participate, their view points are not well considered
31.	Can small-scale fishers participate in planning processes that affect them such as marine protected areas or aquaculture projects?	<b>X</b>			When they are invited, they participate. Yet decisions are made by authorities according to their agenda
32.	Are small-scale fishers involved in designing monitoring, control, and surveillance (MCS) systems?			<b>X</b>	Yes, the state consult us: the CBOs, Coops, etc. But one cannot say this is the usual case.
33.	Can fishers help with MCS activities, like being community observers or reporting violations?	<b>X</b>			Of course. We have complained to authorities and police when the rules are violated. We don't allow our community members to violate rules and destroy our resources.
34.	Is there a national plan to fight illegal, unreported and unregulated fishing (IUU)?			<b>X</b>	They may have. We are not aware of them
35.	Does this plan include small-scale fisheries?			<b>X</b>	They should include SSF. Generally, they do. But we are not sure.
36.	Do small-scale fishers have a duty or role to report IUU fishing?	<b>X</b>			Yes. Very much. We always punish violators.

S. No	Question	Yes	No	Not Sure	Comments
37.	Is the traditional knowledge of the community for example the knowledge of seasons or customary fishing practices used or respected in fisheries management decisions?		X		Decision makers don't step into the water. They do not know the community legal system.
<b>5. Social development, employment and decent work</b>					
38.	Do fishers and fishworkers in your community have access to any social security schemes? For example, healthcare, pensions or unemployment assistance.	X			Pension scheme, Fisheries Insurance Scheme, personal insurance scheme
39.	Are there any savings or credit programs available for small-scale fishers and fishworkers? For example, micro credits.	X			Bank loan schemes are not very effective (you cant expect to pay regular interests, when we are engaged in a seasonal activity). Coops do a better job. Yet funds are limited. Fish Merchant is an easy source, but have o hand over all future catches.
40.	Can fishers get any form of insurance related to fishing? For example, insurance for accidents at sea, vessel insurance or life insurance.	X			All schemes are there. Not very effective. Claims are rarely paid because of informational asymmetries.
41.	Do fishers and fishworkers receive any type of subsidies? For example, during closed seasons, or subsidies for fuel.	X			But there are issues. Only the motorised boat owners received a fuel subsidy recently not artisanal fishers (the fuel subsidy was given for 5 months: Rs. 9000 / month, early this year). For closed seasons (say lobster ban OR 6 month monsoon season for artisanal fishers) fishers don't receive anything. But they have access to

S. No	Question	Yes	No	Not Sure	Comments
					state sponsored poverty alleviation schemes (cash grants).
42.	Do women involved in pre-harvest, harvest or post-harvest activities receive maternity benefits?		X		Daily workers. They work 7 days a week. No such leave granted.
43.	Do small-scale fishers have decent work conditions? (this means that they work in safe conditions, are not forced to work excessive hours, receive a fair payment)		X		No illness benefits, no disability benefits. The pension scheme is not effective at all
	No disability benefits, no illness benefits. The Fishermen's Pension scheme has collapsed. It has been very ineffective. Even insurance schemes have failed due to the difficulty of obtaining information (informational asymmetry). SSF communities are very cohesive societies. Almost all craft owners and crew workers are relations. Thus, the problem of forced labour does not arise. People help each other and often fishers sacrifice their individual wellbeing to help others in the community (community wellbeing) . Fishers proposed a (mobile health care unit stationed close to the coast.				
44.	Have you heard of any cases of forced labour, human trafficking or debt bondage in your community?		X		
	If yes, please provide details:				
45.	Are there measures in place to improve safety at sea for fishers in your area? For example, safety trainings, provisions of safety equipment or communication devices.	X			Some training camps have been held. But fishers do not wear life jackets. This rule is not forcefully enforced. The Navy should ensure that fishers wear life jackets.
46.	Are the rights of Indigenous Peoples in your community protected by policies or laws? For example, laws that uphold indigenous traditions and customs or customary rights.		X		No indigenous people in fisheries
47.	Are there migrant workers involved in fishing?	X			In some areas.

S. No	Question	Yes	No	Not Sure	Comments
48.	If yes, do they have the same rights and receive the same treatment as local fishers? For example, same pay, decent working conditions, access to services	X			Traditionally fishers used to migrate to certain areas. The fishers in the west coast travel further north to Mannar. Fishers in the South migrate to extreme east of Hambantota District: Kirinda, Patanangalla, Amaduwa (for lobster) This is well accepted by local communities. But the migrants need to bring the fishing license from their own area office.
49.	Are you aware of any laws, policies and programmes that specifically aim to protect children? For example: laws, policies and programmes that ensure that children can go to school		X		
50.	Is there a minimum age for someone to start working in fishing in your area?		X		
51.	Are children in your community prevented from doing any dangerous jobs in fishing? For example: handling heavy fishing gear or going out to sea		X		No restrictions
52.	Are you aware if the government have any programmes to support children and young people in your fishing community? For example, training for young fishers, safety training		X		Not in particular
<b>6. Value chains, post-harvest and trade</b>					
53.	Do you have facilities to keep fish fresh or to process fish in your community?		X		Often not
54.	Is it easy to sell your fish at a fair price locally?		X		The trader profits
55.	Is there any cooperatives or associations in your community that help fishers market their catch?		X		

S. No	Question	Yes	No	Not Sure	Comments
56.	Has the government or other organizations provided training to improve fish processing or marketing?	X			In some areas only. Such training programs have often been implemented when strong CBOs are present
<b>7. Gender equality</b>					
57.	Are women involved in small-scale fishers in your community?	X			
58.	<p>If “Yes”: in what ways women participate?</p> <p>a. Catching or harvesting fish Some areas (Catholic and Hindu) <b>YES. In Buddhist areas, presence of women on the beach is socially despised.</b></p> <p>b. Processing fish (cleaning, drying, smoking) <b>YES</b></p> <p>c. Selling or trading fish <b>YES</b></p> <p>d. Making or repairing fishing gear (nets, traps) <b>YES</b></p> <p>Other roles:</p>				
59.	Do women have the same rights and opportunities as men in your community? For example, the right to fish in the same areas, to get licenses or permits, to join cooperatives, and to speak in community meetings.	X			However, women do not often get selected as office bearers in CBOs such as cooperatives. But women have their own organisations which fight for the rights of women fisher folk in fishing communities
60.	Are there any programs or support specifically for women in small-scale fisheries? For example, training for women specifically, credits or grants, leadership programs, or others.	X			Not specific programmes. But women in many coastal areas (Gandara, Kottegoda) have received training on post-harvest technology.

S. No	Question	Yes	No	Not Sure	Comments
61.	Do women feel safe and respected when they participate in fishing activities and meetings? Including being free from harassment or violence and having their opinions heard.	X			
62.	Do women have any leadership roles or representation in local fisheries groups or committees?	X			There are many women's organisations. In the South of the country many women play an important role in the functioning of cooperatives and other societies (such as environmental organisations, et c.)
<b>8. Disaster risks and climate change</b>					
63.	Have you noticed any changes in the climate that affects your fishing?	X			
	If "Yes" what changes have you noticed? Seasonal shifts, coastal erosion and strong winds and storms (with higher incidence and intensity)				
64.	Are you aware of a plan in case of a natural disaster that affects fishing? For example: plan for storms, floods, cyclones including early warnings or evacuation plans.	X			During stormy weather fishers are continuously warned not to engage in fishing over mass media (early warnings)
65.	Have you received any training, or support to help fishers adapt to climate change impacts?		X		
66.	Are you aware of any emergency plan or assistance in the case a disaster or extreme weather hits your community?		X		No such plans for climate related disasters
67.	Are you aware of any insurance schemes to help fishers recover from losses due to disasters or climate events?		X		
<b>9. Access to justice, enforcement, and accountability</b>					

S. No	Question	Yes	No	Not Sure	Comments
68.	If a fisher has a legal problem or dispute, is there an office they can turn for assistance? For example, legal aid service, ombudsman, national human rights institution, an organization that assist fishers.	<b>X</b>			Community organisations of fishers (ex. Cooperatives)
	If "Yes" which one? CBOs, Office of the Assistant Director of Fisheries				
69.	Does your community have ways to resolve conflicts or problems related to fishing locally? For example, village elders, community meeting, local dispute resolution/ mediation center	<b>X</b>			Head Priest of the Church in catholic communities (in fact the Church is involved in the marketing of fish), Cooperatives (CBOs)
70.	<p>If someone breaks the fishing rules in your area, what usually happens?</p> <p>a. Nothing happens (violations are usually ignored)</p> <p>b. They might get a warning from community officials <b>YES</b></p> <p>c. They face penalties, such as fines or have their gear confiscated from national authorities <b>YES</b></p> <p>d. It depends on who it is, some people face penalties others not</p> <p>e. Not sure</p>				
71.	Do you feel that small-scale fishers are treated fairly by law enforcement?	<b>X</b>			To a certain extent
	<p>Please give reasons for your answer:</p> <p>For the last few decades concern has been more on deep sea fisheries and fish exports. However, one cannot refrain from stating that there have been social protection schemes (pension and insurance schemes) designed for SSF. However, they have been quite ineffective. However, it is understood that the new draft fisheries Act and the draft Fisheries Policy address SSF concerns strongly. At present, the Fisheries Committees, Fisheries Coordinating Committees established for lagoon management and, Fisheries Cooperatives and Rural Fisheries Organisations have been established exclusively to manage SSF. Small Scale Fishers are also represented in Fisheries Advisory Council of the Ministry of Fisheries. The present Deputy Minister of Fisheries was the former leader of a mall Scale Fishers' Union.</p>				





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