

APPENDIX K: Suggested amendments to the coast conservation and Coastal Resources Management Bill

Suggested improvements ⁶⁹ to coastal conservation and coastal resources management legislation linked to fisheries management	Log frame justification
PART 1 Administration	
<p>1. Objectives of the Bill Include an objective of the Act that relates to:</p> <ul style="list-style-type: none"> • protection and enhancement of the coastal zone • sustainability use of coastal resources 	<p>By stating clearer objectives the Bill establishes the mandate for action that can be accountable through assessment and evaluation.</p> <p>For example: The overall objective of the Act is to provide for the sustainable use, conservation, management and development of coastal resources for the benefit of the people of Sri Lanka. Sustainable use needs to meet international best practice. This provides the framework for more specific objectives.</p>
<p>2. Powers of Minister and Director General: Include powers to clarify limitations and areas where power is vested. Provide better guidance to the Minister and Director General in terms of conservation and sustainable use of coastal resources.</p>	<p>Additional functions such as</p> <ul style="list-style-type: none"> • coordination of other agencies with CCD • preparation and implementation of CZMP in consultation with MFAR; • dissemination of information to stakeholders • Implementation of policy <p>Are needed to ensure that fisheries agencies are participants in the decision making process.</p>
<p>3. Functions of the Coast Conservation and Coastal Resources Management Advisory Council (CCCRMAC) Reduce size of CCCRMAC with independent chair and focus on policy such as the MFAR Ten Year Development Policy Framework. Other stakeholders may be included for more effective advice such as industry representatives as the Council is rather GoSL dominated.</p>	<p>As an advisory body the CCCRMAC cannot and should not initiate any action. A role can be to highlight the interactions of other Acts affecting the administration of new coast conservation Act. For example: The proposed provisions of the Coast Conservation and Coastal Resource Management 2006 Bill as it affects the management of coastal fisheries through interaction with SAM processes. A coastal resources management function be added to ensure integration of fisheries issues and other industries relying on coastal resources.</p>

⁶⁹ Based on MFAR Log Frame requirements, 2004 Coastal Zone Management Plan, 2006 Coast Conservation and Coastal Resource Management Bill and Karunaratne, P., 2002. DomesticLegal Specialist: Final Technical Report. ADB TA No. 3477-SRI.

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PART II Coastal zone management	
<p>4. Coastal Zone Management Plan Now known as Coastal Zone and Coastal Resource Management Plan.</p> <ul style="list-style-type: none"> • No fisheries input into creation of plan. • No third party input during creation of plan. • Plan released after Council and Minister approval. • SAM/APC recommendations and ranking of sites. • Public access to and along beaches and coastal zone. • Guidelines for sustainable development. • Policies of coastal zone management. 	<p>The CZMP has now a change of focus and includes coastal resource management and as fisheries resources and operations are affected by changes to the coastal zone and should have greater input into the planning process as should other industries. The new components of the CZCRMMP provision are actually captured to a large extent within the 2004 CZMP. A new section of the 2004 CZMP is 'Integrating Coastal fisheries and Aquaculture'. Chapters on SAM/APC in the CZMP regulation needed provisions in the new Bill.</p>
PART III permit procedure	
<p>5. Conditions for issues of a permit An applicant must furnish either an Initial Environmental Examination (IEE) and/or an Environmental Impact Assessment (EIA) depending on type of development.</p>	<p>Applications go to the Council and thus allow fisheries resource management matters relating to the application to be considered.</p>
<p>6. Declaration of affected areas Criteria for declaration needed.</p>	<p>Conflict of objectives relating to affected areas and fishery management areas requires coordination under both Bills. This provision could strengthen a fisheries management area by invoking this provision for key FMA where extra controls may be needed.</p>
<p>7. Declaration of beach parks Declaration based on preservation of scenic beauty and biodiversity that may conflict with fisheries activities in the area such as the beach seine fishery.</p>	<p>Criteria for declaration needed. Consultation processes needs to be defined to include key stakeholders.</p>
<p>8. Declaration of conservation areas Conservation area defined in terms of protection of coastal and aquatic ecosystems. Protection does not include use a possible conflict with fisheries management if consultation between agencies not embedded in legislation.</p>	<p>Criteria for declaration needed. Consultation processes needs to be defined to include key stakeholders. Conservation means sustainable use. Need to change to <i>Protected Areas</i> as is at odds with definition of conservation. A broader application of Fisheries Reserves enables conservation (multiple use concept) of fisheries and aquatic resources) and protection of endangered and vulnerable fish and aquatic species. Multiple use of marine and coastal ecosystems needs to be considered in the context of conservation areas. For example: the World Conservation Union (IUCN) in 1988 considers the use of marine protected areas (MPAs) for the protection, restoration, wise use of marine and coastal environments.</p>

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<p>9. Special Management Areas (SMA) Areas where collaborative approach to planning resource management in the defined geographical area is taken. Only applies to land within the coastal zone or land adjacent to it. SAM sites as described within the 2004 CZMP include coastal waters such as lagoons or estuaries. Areas of Particular Concern and high priority archaeological, historical, religious and cultural sites of significance are not obvious under this provision.</p>	<p>A SMA can only be declared if included in Coastal Zone and Coastal Resource management Plan. Examples given in the plan include waters as well as land and hence interact with fisheries management. Therefore change Provision 22E(1) Paragraph 1.to <i>The Minister may declare any area:</i> <i>(a) within the Coastal Zone or adjacent to the Coastal Zone or both and including any water body or part of any water body, and lagoon or part of any lagoon or any peripheral area of a lagoon.</i></p>
<p>10. Coastal Access Plan A coastal access plan to be based on surveys to identify routes, paths and corridors to beaches and the coastal zone.</p>	<p>Fishermen use a range of the access arrangements and consultation with these stakeholders is not clear as it will be made available to the public for comments – that is not consultation with key users.</p>
<p>11. Interpretation Add new definitions as required.</p>	<p>Suggest definitions of conservation and protection.</p>