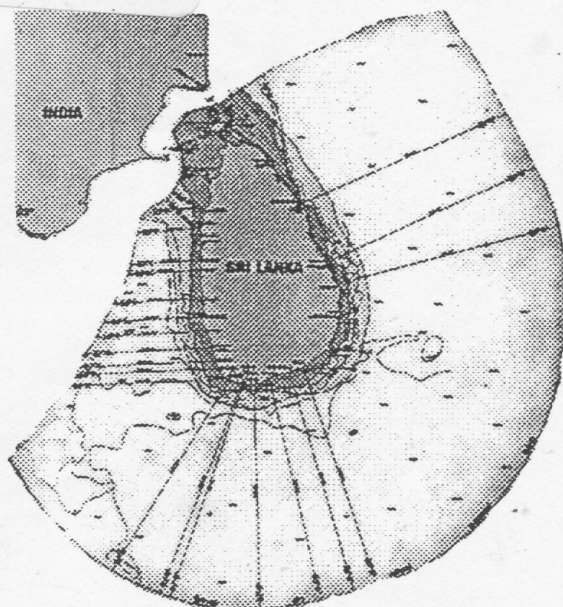


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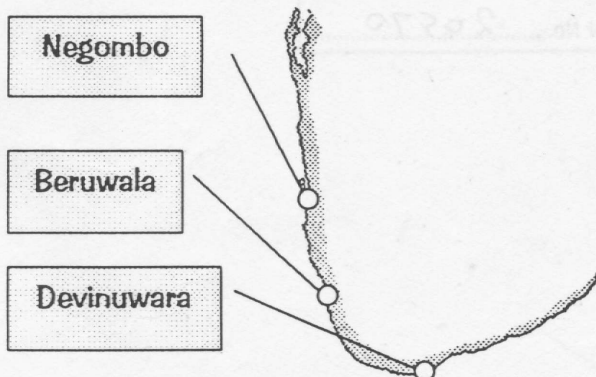
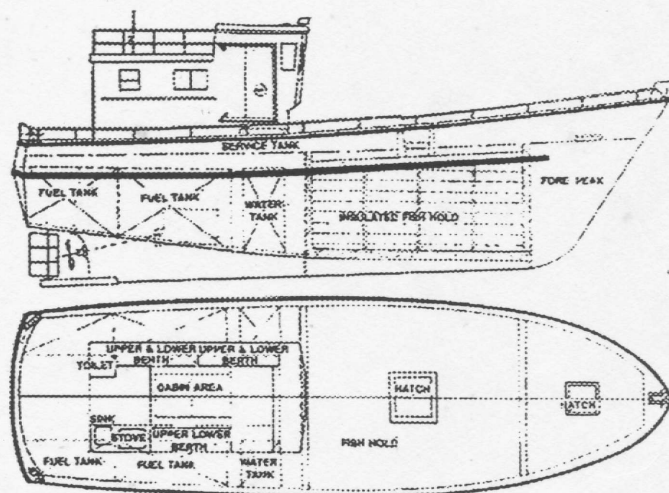
The labour conditions of Sri Lanka's deep-sea fishworkers

An action orientated research project undertaken by

United Fishermen's and Fishworkers' Congress

researched and written by

**Steve Creech
and Wasantha Subasinghe**



With the support of the
**International Labour Organisation's
Area Office in Colombo**

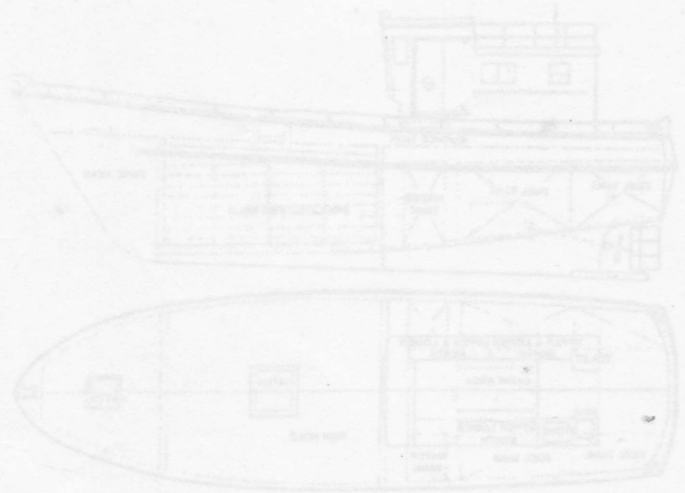
and the country office of the
**American Centre for International
Labour Solidarity**

United Fishermen's and Fishworkers' Congress
15, S. Mahinda Mawatha, Rajamawatha, Ratmalana, Sri Lanka
September 1999



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United Fishermen's and Fishworkers' Congress
10, G. Mahipala Mawatha, Rajapalaya, Rajapalaya, Sri Lanka
September 1988

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- Negombo
- Ratnapuram
- Battaramulla

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one or two acknowledgements

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Steve and Wasantha

abbreviations

ACILS	American Centre for International Labour Solidarity
DOFARD	Department of Fisheries and Aquatic Resources Development
EEZ	Exclusive Economic Zone
ILO	International Labour Organisation
LTTE	Liberation Tigers of Tamil Eelam
MOFARD	Ministry of Fisheries and Aquatic Resources Development
NARA	National Aquatic Research Agency
SSB Radio	Single Side Band Radio
UFFC	United Fishermen's and Fishworkers' Congress

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working definitions

Who's a fishworker?

Our understanding and use of the word 'fishworker' in this report refers to an individual who engages in fishing on a wage basis. He does not own the boat, nets or gear that are used to catch fish. He is basically a labourer, a 'boatless labourer'. Deep-sea fishworkers invariably begin life as small boat fishermen (i.e., traditional out rigger canoes 'oruwa' between 9 ft and 30 ft long - or 17¹/₂ ft Fibre Reinforced Plastic (FRP) boats) or as fishworkers working on these types of coastal boats.

What makes a Skipper?

Skippers are usually also fishworkers. What sets them apart from other members of a boat's crew is their experience and knowledge of fishing; for these reasons they have been given charge of the boat. None of the skippers we spoke to had any formal training, though all could navigate using charts, and satellite navigation systems as well as operate radio equipment. Skippers may also be boat owners, though in the deep-sea sector this is rare.

Boat Owners, who are they?

Ex-fishermen, ex-fishworkers and ex-skippers probably make up the largest number of deep-sea boat owners, though relatives of the above - both men and women - as well as fish merchants and local traders have also bought and now own deep-sea fishing boats. Very few people from outside the fishing community own deep-sea fishing boats. Knowledge of and a strong connection with the fishing community appear to be important for a successful deep-sea fishing operation. Caste and the nature of the work are also factors considered likely to exclude 'outsiders'.

Part time fishworkers?

Small boat fishermen and fishworkers and male relatives of families connected with fishing occasionally work on a part time basis in the deep-sea sector. During the north-west monsoon small boats are restricted to fishing for a few days each month on the west coast, in contrast to the deep-sea sector which fishes throughout the year. When fishing is not possible for small boats, some fishermen and fishworkers seek employment in the deep-sea sector. There are very few non-fishing employment opportunities open to fishermen or fishworkers, due to their generally low level of educational attainment, caste and their residence in the fishing community.

Where are all the fishermen?

as
owner-operator

It is a good question and really requires more than a paragraph to answer. We understand and use the term 'fisherman' to refer to an individual who owns and operates his own boat, nets and gear. Most theppams, perhaps half of all oru and maybe a third of all FRPs are probably owner operated. A fisherman will usually fish with a relative or friend - essentially a fishworker. It seems likely that the majority of boat owners in Sri Lanka do not fish. This makes sense as a boat owner can hire a crew to work his or her boat and still collect half or more of the net profit from the day's fishing in 'rent'. The use of the word 'fisherman' to refer to an individual seen going fishing is then likely to be a misnomer. He is more likely to be a fishworker, a boatless labourer, earning a daily wage.

Deep-sea fishing?

The term 'deep-sea fishing' is used in this report to refer to any fishing trip that lasts for more than two or three days. In Sri Lanka, deep-sea fishing boats are also commonly referred to as 'multi-day boats'. These boats, as their name suggests, fish for more than one day, in contrast to the 30 ft one-day boats, which fish for one day.

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summary

Six recommendations to improve the terms and conditions of employment of deep-sea fishworkers are presented in this report. Deep-sea fishworkers from three fishing harbours along Sri Lanka's western and southern coast, in collaboration with the project's research team, drafted the recommendations in response to specific sets of issues identified by fishworkers, during the course of the research.

The first recommendation suggests the introduction of written contracts of employment between boat owners and fishworkers. The second recommendation, if adopted, would make it a statutory requirement for all deep-sea fishing boats over a specified length to be equipped with Single Side Band radios and satellite navigation equipment. The third and fourth recommendations address onboard safety facilities and first aid respectively. Recommendation No. 5 proposes the introduction of a provision to permit independent monitoring of boat design and safety. The sixth and final recommendation deals with the insurance of deep-sea fishing boats and the responsibility that boat owners hold for the welfare of their boat's crew when they are engaged in fishing.

The social and economic relations between a deep-sea boat owner and a deep-sea fishworker have become polarised by the steady capitalisation of the sector. The recommendations set out in this report seek to redress the imbalance of power and control between boat owners and fishworkers, that prevails in Sri Lanka's deep-sea fishing sector. Deep-sea fishworkers, dependent on informal, traditional interpretations of labour relations, are exposed to exploitative terms of employment. At the same time fishworkers continue to be vulnerable to the dangers associated with deep-sea fishing, an inherently high-risk profession, because provisions do not legally exist defining acceptable working conditions in the sector.

It is important to stress that none of the recommendations made in this report are actually 'new'. Almost a decade ago, when deep-sea fishing was in its infancy, the Ministry of Fisheries and Aquatic Resources Development hosted a seminar on the 'offshore fishery in Sri Lanka', in collaboration with the United Nation's Food and Agriculture Organisation's Bay of Bengal Programme. This seminar, which looked at all aspects of the then developing fishery, made an extensive list of recommendations, more inclusive and back by greater authorities, than those made herein. To give just one example, Dr. K. Sivasubramaniam, probably Sri Lanka's most eminent fisheries expert, summed up one panel discussion by saying '*specifications for building comparatively more robust boats, with safety equipment on board, have to be effectively controlled. An effective registration and licensing system is of paramount importance in offshore fishing. During the licensing procedure, the seaworthiness of the boat could be ascertained. Safety measures at sea, insurance coverage, carrying of life saving and communications equipment etc., should be mandatory*'.

Dr. Sivasubramaniam's opinion then, is as valid today as it was almost ten years ago. What this suggests is that it is not a question of what recommendations should be made, but how these recommendations can be enacted. It is more a question of 'what needs to be done, by whom?' to convert recommendations into legislation and of how this legislation can be implemented by the Ministerial and Departmental staff.

UFFC welcomes further discussion and the opinions of interested individuals and institutions to refine, develop and improve each of its recommendations. But more importantly it asks the researchers, consultants, Departmental and Ministerial staff and other policy makers to stop talking and start work on more important task of transforming 'recommendations' into a legally binding reality.

Adaptation and change have been a key feature of the development of Sri Lanka's deep-sea fisheries sector. Boat owners and perhaps more so deep-sea fishworkers, have been the innovators of many of these changes. Between them they have created a local fishery unlike any other in south Asia. The open and flexible attitudes that have been shown towards technology now need to be applied to the social and economic relations of labour in the deep-sea fisheries sector.

By promoting these recommendations, United Fishermen's and Fishworkers' Congress hopes to encourage a change in the existing attitude towards the prevailing labour relations in the deep-sea fishery sector. As a first step along this path, the recommendations have been submitted to the working committee set up by the Ministry of Fisheries and Aquatic Resources Development, to investigate the terms and conditions of employment of the crew of fishing boats. It is UFFC's hope that this committee will take up the greater challenge of transforming recommendations into regulations promoting fairer terms and conditions of employment of fishworkers in Sri Lanka's deep-sea fishery sector.

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ගැඹුරු මුහුදු ධීවර කම්කරුවන්ගේ සේවා කොන්දේසි වැඩි දියුණු කිරීම සඳහා වූ නිර්දේශයන් මෙම වාර්තාවේ ඉදිරිපත් කරනු ලැබේ. ශ්‍රී ලංකාවේ ධීවර හා දකුණු වෙරළේ ධීවර වරායන් තුනක ගැඹුරු මුහුදු ධීවර කම්කරුවන්, මෙම ව්‍යාපෘතියේ පර්යේෂණ කණ්ඩායම සමග සහයෝගීත්වයෙන් වැඩ කරන ලදී. මෙම පර්යේෂණ කාලය තුළ එම ධීවර කම්කරුවන් විසින් හඳුනාගන්නා ලද නිශ්චිත ප්‍රශ්න මාලාවකට ලබා දුන් පිළිතුරු අනුව පර්යේෂණ කණ්ඩායම මෙම නිර්දේශයන් කෙටුම්පත් කර ඇත.

ප්‍රථම නිර්දේශය මගින් බෝට්ටු ගිණියන් හා ධීවර කම්කරුවන් අතර ලබිත සේවා ගිවිසුමක් ඇති කරන ලෙස යෝජනා කරයි. දෙවෙනි නිර්දේශය පිළිගන්නේ නම් එයින් කියා සිටින්නේ ගැඹුරු මුහුදේ මසුන් මැරීම සඳහා යොදා ගන්නා නිශ්චිත දිග ප්‍රමාණයකට වැඩි සැම බෝට්ටුවක් තුළම තනි පැති තරංග සහිත ගුවන් විදුලි යන්ත්‍රයක් (SSB Radio) සහ වන්දිකා මගින් මග පෙන්වන යාත්‍රා කිරීමේ උපකරණ සවිකිරීම නීතිප්‍රකාරව නියම කරනු ලැබීමයි. තුන්වන හා හතරවන නිර්දේශයන්ගෙන් කියා සිටින්නේ බෝට්ටුතුල ආරක්ෂක පහසුකම් හා ප්‍රථමාධාර පිළිබඳවයි. පස්වන නිර්දේශයෙන් යෝජනා කරන්නේ බෝට්ටු නිර්මාණය කිරීම හා ආරක්ෂාව පිළිබඳව මැදගත් පරීක්ෂණ ක්‍රමයක් අති කිරීම පිළිබඳවයි. හයවන හා අවසාන නිර්දේශය වන්නේ ගැඹුරු මුහුදේ ධීවර බෝට්ටු රක්ෂණය කිරීම හා තම ගැනියන් මසුන් ඇල්ලීමේ යෙදී සිටින අවස්ථාවේදී ඔවුන්ගේ සුභසාධනය පිළිබඳ වගකීම් බෝට්ටු ගිණියා විසින් දැරිය යුතු බවයි.

මෙම ක්ෂේත්‍රයේ ඇතිවී තිබෙන ශක්තිමත් ප්‍රාග්ධනයේ දැඩි බලපෑම නිසාම ගැඹුරු මුහුදු ධීවර කම්කරුවන් හා එම බෝට්ටු ගිණියන් අතර පවතින සමාජ ආර්ථික සම්බන්ධතා බුද්ධිමත් විමේ තත්වයට පත්ව ඇත. ශ්‍රී ලංකාවේ ගැඹුරු මුහුදු ධීවර ක්ෂේත්‍රයේ බෝට්ටු ගිණියන් හා ධීවර කම්කරුවන් අතර පවතින බලයේ හා පාලනයේ අසමතුලිතතාවය සමහරක් කර ගැනීමේ මගක් සෙවීම, මෙම වාර්තාවේ නිර්දේශයන් මගින් පෙන්වා දෙනු ලැබේ.

ගැඹුරු මුහුදු ධීවර කම්කරුවන් නඩත්තු වන කම්කරු සම්බන්ධතා අර්ථ දක්වා තිබෙන්නේ පරම්පරාගත හා අවිධිමත් පදනමක් මතය. මෙ මගින් ඔවුන් මත දැඩි සුරාකෑමකට ලක්වූ සේවා කොන්දේසි පවතින බව හෙළිදරව් වී ඇත. ඒ සමගම මෙම ධීවර කම්කරුවන් ගැඹුරු මුහුදේ මසුන් මැරීමේ දී මෙම රැකියාවටම උරුම වූ දැඩි අවදානම් තත්වය නිසා ඉතා පහසුවෙන් අනතුරු වලට ගොදුරු විය හැකි වුවද ඔවුන් දිගටම රැකියාව කරගෙන යයි. මෙම ක්ෂේත්‍රයට පිළිගත හැකි සේවා කොන්දේසි පැහැදිලි කර එම නියමයන් නිතරානුකූලව ක්‍රියාත්මක නොකරන බැවින් කම්කරුවන් මෙම තත්වයට පත්ව ඇත.

මෙම වාර්තාවේ ඇතුළත් කර තිබෙන නිර්දේශ ඇත්ත වශයෙන්ම අළුත් ඒවා නොවන බව අවධාරණය කිරීම වැදගත්වේ. ගැඹුරු මුහුදේ මත්ස්‍ය කර්මාන්තය දැනට දශකයකට පමණ පෙර එය ප්‍රාථමික අවධියක තිබෙන අවස්ථාවේදී ධීවර හා ජලජ සම්පත් සංවර්ධන අමාත්‍යාංශය මගින් “ශ්‍රී ලංකාවේ ඇත මුහුදේ ධීවර කර්මාන්තය” යන මෑයෙක් සම්මන්ත්‍රණයක් කැඳවා තිබුණි. මෙම සම්මන්ත්‍රණය එක්සත් ජාතීන්ගේ ආහාර හා කෘෂිකර්ම සංවිධානයේ බෙංගාල බොක්ක වැඩි පිළිවෙලේ සහයෝගීත්වය ඇතිව පැවැත්විණි. මෙම සම්මන්ත්‍රණයේදී එදා ධීවර කර්මාන්තයේ සංවර්ධනය පිළිබඳව සැම පැති කඩකින්ම බැලූ අදාළ නීති බලධාරීන් මෙහි ඇතුළත් නිගමනයන්ට වඩා සවිස්තරාත්මක නිර්දේශයන් ලැයිස්තුවක් සකස් කර ඇත. උදාහරණයක් ලෙස ශ්‍රී ලංකාවේ විශිෂ්ඨ ගණයේ ධීවර විශේෂඥයෙකු ලෙස සැලකෙන ආචාර්ය කේ. සිවසුබ්‍රමනියම් මහතා කණ්ඩායම් සාකච්චාවක් සාරාංශ කොට දක්වමින් කියා සිටියේ “වඩාත් ශක්තිමත් බෝට්ටු විශේෂිත නියමයන්ට අනුව නිපදවීමත් ඒවායේ ආරක්ෂක උපකරණ තිබීමත් දැඩි ලෙස පාලනයකට නතුකර තිබිය යුතු බවයි”.

ඇත මුහුදේ මසුන් ඇල්ලීමේ දී වඩාත්ම ප්‍රධානවූත් වැදගත්වූත් කායක් වන්නේ බලපත්‍ර දීමේ ක්‍රමයක් හා ඒවා ලියාපදිංචි කිරීමත් ප්‍රබල ලෙස ක්‍රියාත්මක කිරීමයි. බලපත්‍ර ලබාදීමේ ක්‍රියා පටිපාටිය තුළදී බෝට්ටුවට මුහුදේ යාමට තිබෙන සුදුසුකම ගැන නිවැරදි අවබෝධයක් ලබාගත යුතුව ඇත. මුහුදේදී ආරක්ෂක වැඩි පිළිවෙල, රක්ෂණ ආවරණය, ජීවිත ආරක්ෂක උපකරණ රැගෙන යාම, පිණිවිඩ හුවමාරු කිරීමේ උපකරණ යනාදිය නියෝගයන්ට අනුව පාලනය විය යුතුය. ආචාර්ය සිවසුබ්‍රමනියම් මහතාගේ එදා මතයට දැනට අවුරුදු දහස් පමණ ගත වී ඇතත් එය අදටත් වලංගුව පවතී. මෙයින් අදහස් වන්නේ නිර්දේශයන් කුමක් විය යුතුද? යන්න නොව මෙම නිර්දේශයන් අනුව නීති පැනවිය හැක්කේ කෙසේද යන්නයි. තවත් එක් ප්‍රශ්නයක් නම් මෙම නිර්දේශය ව්‍යවස්ථාවක් බවට පරිවර්තනය කරන්නේ කවිද? අවශ්‍ය වන්නේ මොනවාද? අමාත්‍යාංශයේ හා දෙපාර්තමේන්තුවේ නිලධාරීන් විසින් මෙම ව්‍යවස්ථාවක් ක්‍රියාත්මක කරන්නේ කෙසේද? යන්නයි.

මෙහි ඇතුළත් එක් එක් නිර්දේශන් වර්ධනය කිරීමට හා දියුණු කිරීමට හෝ තවත් පැහැදිලි කිරීමට උනන්දුවක් දක්වන පුද්ගලයන්ට හා ආයතනයන්ට තම මතයන් ඉදිරිපත් කිරීමටත්, සාකච්චා කිරීමටත් තව දුරටත් ඇරඹුම් කෙරේ. නමුත් වඩා වැදගත් ලෙස පර්යේෂකයන්ගෙන් උපදේශකයන්ගෙන් අමාත්‍යාංශ හා දෙපාර්තමේන්තු නිලධාරීන්ගෙන් ප්‍රතිපත්ති සකසන්නන්ගෙන් ඉල්ලා සිටින්නේ මෙවා වචනයට සීමා නොකර එම නිර්දේශයන් නීතියෙන් බැඳ තැබිය හැකි යථාර්ථයක් බවට පරිවර්තනය කිරීමේ භාර දුරකාරය වැදගත් කොට සලකා වැඩි පටන් ගන්නා ලෙසය.

ශ්‍රී ලංකාවේ ගැඹුරු මුහුදු ධීවර කර්මාන්තය කාලීන අවශ්‍යතා අනුව වෙනස්වෙමින් ඉදිරියට යාම එහි එක් ප්‍රධාන ලක්ෂණයකි. මෙම වෙනස්වීම් ඇති කිරීම සඳහා බෝට්ටු හිමියන්ද, වඩාත්ම ධීවර කම්කරුවන් ද නවතාවයන් කරා යොමු වූහ. දකුණු ආසියාවේ වෙනත් රටකට සම කළ නොහැකි දේශීය ධීවර කර්මාන්තයක් ඔවුහු බිහි කළේය. ගැඹුරු මුහුදු ධීවර කර්මාන්ත ක්ෂේත්‍රයේ මේ කාර්මික වර්ධනය පිළිබඳව දක්වන ලද විවෘත හා නම්‍යශීලී ආකල්ප කම්කරුවන්ගේ සමාජ ආර්ථික සම්බන්ධතා කෙරෙහි යොමු විය යුතුය ඇත.

එක්සත් ධීවර හා ධීවර කම්කරු සංගමය UFFC මෙම නිර්දේශයන් තුළින් වර්තමාන ගැඹුරු මුහුදු ධීවර කර්මාන්ත ක්ෂේත්‍රයේ පවත්නා කම්කරු සම්බන්ධතා පිළිබඳ ආකල්ප යහපත් මගකට ගැරවීමට අපේක්ෂා කරයි. මේ අනුව ප්‍රථම පියවරක් ගැටියට මෙම නිර්දේශයන්, ධීවර හා ජලජ සම්පත් සංවර්ධන අමාත්‍යාංශ විසින් බෝට්ටු වල රැකියාව කරන ගැනියන්ගේ සේවා කොන්දේසි සම්පන්නය සඳහා පිහිටුවන ලද ක්‍රියාකාරී කමිටුව වෙත ඉදිරිපත් කරන ලදී. ශ්‍රී ලංකාවේ ගැඹුරු මුහුදු ධීවර කර්මාන්ත ක්ෂේත්‍රයේ වැඩ කරන ධීවර කම්කරුවන්ගේ සේවා කොන්දේසි වඩා සාධාරණ ලෙස උසස් තත්වයට පත් කිරීම සඳහා මෙම නිර්දේශයන්, රෙගුලාසි බවට පරිවර්තනය කිරීමේ මහා අභියෝගය භාර ගැනීමට මෙම කමිටුවට හැකිවේ යැයි එක්සත් ධීවර හා ධීවර කම්කරු සංගමය UFFC බලාපොරොත්තුවේ.

பொழிப்பு

இவ்வறிக்கையில் ஆழ்கடல் மீன் பிடித் தொழிலாளர்களின் தொழில் சம்பந்தமான நியதி நிபந்தனைகளை விருத்தி செய்ய ஆறு சிபாரிசுகள் முன்வைக்கப்பட்டுள்ளன. திட்ட ஆராய்ச்சி மேற்கொள்ளப்பட்ட போது இலங்கையின் தென்மேற்குக் கரையோரத்திலிருக்கும் முன்று மீன்பிடித் துறைமுகங்களைச் சேர்ந்த மீன்பிடித் தொழிலாளர்கள் திட்ட ஆராய்ச்சிக் குழுவுடன் சேர்ந்து, மீன்பிடித் தொழிலாளர் மத்தியில் நிலவும் குறிப்பிட்ட விவாத விடயங்களை ஆராய்ச்சியின் போது இனங்கண்டு அவற்றிற்கான சிபாரிசுகளை எழுதினர்.

வள்ள உரிமையாளர்களுக்கும் மீன்பிடித் தொழிலாளர்களுக்கும் இடையில் எழுத்து மூலம் ஒப்பந்தம் முன்வைக்கப்பட வேண்டும் எனக் குறிப்பிடுகிறது, மூதலாவது சிபாரிசு. இரண்டாவது சிபாரிசு ஏற்றுக் கொள்ளப்பட்டால், குறிப்பிட்ட நீளத்திற்கு மேற்பட்ட ஆழ்கடல் மீன்பிடி வள்ளங்களில் தனித்த ஒருபக்க அலைவரிசை வானொலியும் (சிங்கிள் சைட் பான்ட் றேடியோவும்) உப-கிரக (ஸரலைட்) கப்பலைச் செலுத்தும் உபகரணங்களும் சட்டப்படி இருக்க வேண்டும் எனக் குறிப்பிடுகிறது. மூன்றாவது, நாலாவது சிபாரிசுகள் முறைப்படியே வள்ளத்தில் செல்பவர்களின் பாதுகாப்பு வசதிகளையும், முதலுதவிகளையும் பிரேரிக்கின்றன. வள்ளத்தின் அமைப்பையும் பாதுகாப்பையும் சுயேச்சையாக மேற்பார்வையிட அனுமதிக்கும் சட்டம் முன்வைக்கப்பட வேண்டும் என பிரேரிக்கிறது சிபாரிசு இல. 5. ஆழ்கடல் மீன்பிடி வள்ளங்களின் காப்புறுதியைப் பற்றியும், தனது வள்ளங்களில் மீன்பிடித் தொழிலில் ஈடுபட்டுக்கொண்டிருக்கும் வள்ள மாலுமிகளினது நலன் பற்றியும் உரிமையாளர் கொண்டிருக்க வேண்டிய பொறுப்புக்களைப் பற்றியும் ஆறாவதும் இறுதியுமான சிபாரிசு பேசுகிறது.

மீன்பிடிப் பகுதியின் தொடர்ச்சியான முதலாக்குதலின் வளர்ச்சியினால் ஆழ்கடல் மீன்பிடி வள்ள உரிமையாளருக்கும் ஆழ்கடல் மீன்பிடித் தொழிலாளருக்குமிடையில் உள்ள சமுதாய பொருளாதார உறவு பெருமளவு பாதிக்கப்பட்டுள்ளது. இவ்வறிக்கையில் முன்வைக்கப்பட்டுள்ள சிபாரிசுகள் இலங்கை ஆழ்கடல் மீன்பிடிப்பகுதியிலுள்ள வள்ள உரிமையாளருக்கும், மீன்பிடித்தொழிலாளருக்குமிடையில் நிலவும் ஏற்றத் தாழ்வுகளையும் கட்டுப் பாடுகளையும் போக்க முயற்சிக்கின்றது. முறைசாராது பரம்பரையாக விளக்கம் தரப்பட்டு வரும் தொழில் முறைகளில் தங்கியுள்ள ஆழ்கடல் மீன்பிடித் தொழிலாளர் சுரண்டல் முறைகளினால் பெருமளவு பாதிக்கப் படுகின்றனர். அத்துடன் இப்பகுதியில் ஏற்றுக் கொள்ளக்கூடிய தொழில் நிபந்தனைச் சட்டச் சலுகைகள் இல்லாத காரணத்தினால், இயல்பாகவே பெருமாபத்து நிறைந்த தொழிலில் ஈடுபடும் ஆழ்கடல் மீன்பிடித் தொழிலாளர்கள், தொடர்ந்து ஆபத்துக்களைச் சமாளிக்க முடியாது பலவீனமாக இருக்கின்றனர்.

இவ்வறிக்கையில் தரப்பட்டுள்ள சிபாரிசுகள் எதுவும் புதிதானவை அல்ல என குறிப்பாகக் கூற வேண்டியது அதிமுக்கியம். கிட்டத்தட்ட பத்து வருடங்களுக்கு முன், ஆழ்கடல் மீன்பிடித் தொழில் குழந்தைப் பருவத்திலிருக்கையில், மீன்பிடி நீர்வள அமைச்சு, ஐக்கிய நாடுகளின் வங்காள விரிகுடா உணவு விவசாய அமைப்பின் வேலைத்திட்டத்துடன் இணைந்து இலங்கையில் நடத்தியது. அக்கால கட்டத்தில் முன்னேற்றம் அடைந்துவந்த மீன்பிடித் தொழிலின் சகல அம்சங்களையும் இந்த ஆய்வகுப்பு ஆராய்ந்து, இங்கு குறிப்பிடப்பட்டவைகளுக்கு மேலாக உயர்ந்த அதிகாரிகளின் ஆதரவைப் பெற்று உள்ளடக்கப்பட்ட பரந்த கருத்துக்களைக் கொண்ட சிபாரிசுப் பட்டியல் ஒன்றை முன்வைத்தது. “பாதுகாப்பு உபகரணங்களைக் கொண்ட கூடிய பலமுள்ள வள்ளங்களின் செய்முறைகளை பயன்தரும் வகையில் திறமையாகக் கையாள வேண்டும். பதிவு செய்து உத்தரவுச் சீட்டு வழங்கும் முறை ஆழ்கடல் மீன்பிடித்தலுக்கு மிகவும் முக்கியமானது. உத்தரவுச் சீட்டு வழங்கும் நடைமுறையில், கடல் பிரயாணத்திற்கு ஏற்றதாக வள்ளம் உள்ளது என உறுதிப்படுத்திக் கொள்ள வேண்டும். கடலில் பாதுகாப்பு நடவடிக்கைகள், காப்புறுதியமைத்தல்.

உயிர்காக்கும் உபகரணங்கள் தொடர்பு கொள்ளும் உபகரணங்கள் முதலியன இருத்தல் அதிகாரச் சட்டமாக இருக்க வேண்டுமென, அநேகமாக இலங்கையின் அதிபிரசித்திபெற்ற மீன்பிடித் தொழில் நிபுணர் டாக்டர் கே. சிவசுப்பிரமணியம், ஒரு குழுநிலைக் கருத்துரையாடலின் பொழிப்பை முன்வைத்தார்.

கிட்டத்தட்ட பத்து வருடங்களுக்கு முன் டாக்டர் சிவசுப்பிரமணியத்தின் அன்றைய கருத்து இன்னும் பெறுமதியுள்ளதாக இருக்கிறது. இக் கருத்தின் படி, என்ன சிபாரிசுகள் முன் வைப்பது என்பதல்ல முக்கியம், ஆனால் சிபாரிசுகளை எப்படி சட்டமாக்குவது என்பது தான் முக்கியம். இச்சிபாரிசுகளை எப்படிச் சட்டமாக்கி அவற்றை அமைச்சுத் திணைக்கள பணிப்பாளர்களும் எப்படிச் செயற்படுத்துவார்கள் என்பது ஒரு பெரிய கேள்வியாக இருக்கிறது.

ஐ.மீ.மீ.ச. (UFFC) அதன் சிபாரிசுகளை செம்மை செய்து, அபிவிருத்தியாக்கி முன்னேற்ற விரும்பும் நபர்களின் அல்லது நிலையங்களின் கருத்துக்களை வரவேற்பதுடன், மேற்கொண்டு கலந்துரையாடவும் தயாராக இருக்கிறது. ஆனால் அது ஆராச்சியாளர்களையும், யோசனை கூறும் நிபுணர்களையும், திணைக்கள அமைச்சு பணிப்பாளர்களையும், கொள்கை ஆக்குநர்களையும் பேச்சை நிறுத்தி, சிபாரிசுகளை உண்மையான சட்டக் கட்டுப்பாட்டுக்குள் கொண்டுவரும் முக்கியமான வேலையிலீடுபடும்படி அதிமுக்கியமாக கேட்டுக் கொள்கிறது.

இலங்கை ஆழ்கடல் மீன்பிடிப் பகுதியின் முன்னேற்றத்திற்கு இசைவாக்கலும் மாற்றங்களும் சிறப்புறுப்பாக இருந்து வருகின்றன. வழமையை மாற்றி புதுமையாக்குபவர்களாக, வள்ள உரிமையாளர்கள், ஏன் ஆழ்கடல் மீன்பிடித் தொழிலாளரும் கூட இருந்து வருகின்றனர். தென் ஆசிய நாடுகளிலில்லாத உள் நாட்டு மீன்பிடித் தொழிலை அவர்கள் உருவாக்கி இருக்கின்றனர். தொழில் நுட்பத்தில் அவர்கள் காட்டியிருக்கும் ஆர்வத்தை அவர்கள் ஆழ்கடல் மீன்பிடித் தொழில் பகுதியில், தொழில் சம்பந்தமான சமுதாய பொருளாதார உறவுகளிலும் இப்போது காட்ட வேண்டும்.

இந்த சிபாரிசுகள் மூலம் ஐக்கிய மீனவர் மீன்பிடித் தொழிலாளர் சங்கம், ஆழ்கடல் மீன்பிடிப் பகுதியில் நிலவும் தொழில் சம்பந்தமான மனோநிலையை மாற்றி அமைக்க முற்படுகிறது. இவ்வழியின் முதற்படியாக இச் சிபாரிசுகளை மீன்பிடி நீர்வள அபிவிருத்தி மந்திரியினால் நியமிக்கப்பட்ட செயற்குழுவிடம், மீன்பிடி வள்ளங்களில் வேலை செய்பவரின் தொழில் நியதி நிபந்தனைகளை ஆராய்ந்து பார்ப்பதற்காக முன்வைத்தது. இலங்கை ஆழ்கடல் மீன் பிடிப்பகுதி மீன் பிடித் தொழிலாளரின் தொழில் நியதி நிபந்தனைகளை நியாயமான முறையில் முன்னேற்ற இச் சிபாரிசுகளை சரியான முறையில் ஒழுங்கு செய்து நடைமுறைப் படுத்தும் பணியில் இக்குழு அதிதீவிரமாக செயற்படும் என ஐ. மீ. மீ. ச நம்புகிறது.

part one

This report has been deliberately written '*back to front*'. It begins here, at the end, with a list of recommendations to improve the labour conditions of deep-sea fishworkers. These are the 'conclusions' of this study.

In **Part Two** we look at the existing conditions of labour of deep-sea fishworkers - essentially the results of the field research. In this section, field data are used to give substance to each of the recommendations; revealing why and how each was formulated and defined. The report concludes with what would ordinarily be the beginning; **Part Three** contains a brief history of the development of deep-sea fishing in Sri Lanka and a quick look at the status of the resource.

The reason this report has been written 'backwards' is to bring the reader immediately to the 'output' of our research. From the very beginning UFFC was determined that this project should yield more than a report summarising the labour conditions of deep-sea fishworkers, with some contextual background information of deep-sea fishing in Sri Lanka. In its research proposal UFFC stated its aims as twofold:

- *firstly to categorise the labour relationships predominating in different parts of the country;*
- *then to explore with different interest groups, avenues through which to advance the working conditions of fishworkers and to formulate realistic alternatives.*

The proposal contained the additional caveat that *'these alternatives should be acceptable to the Government, the boat owners and fishworkers. They must be sufficient to safeguard the lives and livelihoods of fishworkers and their families as well as be able to contribute meaningfully to the long-term sustainability of the deep-sea fisheries'*.

These were and remain lofty aims. In formulating the recommendations presented overleaf, UFFC has taken a significant step towards attaining a key aim of this study. In March of this year the recommendations were submitted to the Chairman of the MOFARD Committee investigating the terms and conditions of employment of the crew of Sri Lankan fishing boats (see annex a). In response to this submission, both the Minister of Fisheries and Aquatic Resources Development and the Chairman of the Committee promised UFFC and its regional representatives the opportunity to appear before the Committee, to present data substantiating its submission. This represents an opportunity to turn recommendations into actions.

Upon completion of this report a workshop will be held to conclude the project's activities. This will mark a further step towards achieving UFFC's longer-term aims. The 'outputs' of this discussion will, it is hoped, take the discussion closer towards affecting actions that lead to real social change.

The reader should be aware that the recommendations presented below are presented for discussion and debate. UFFC welcomes further discussion and the opinions of interested individuals and institutions to refine, develop and improve each recommendation. This report and the recommendations it contains, is simply a part of a process to improve the labour conditions of deep-sea fishworkers. It is a means to an end, not an end in itself. The end point is still to create real improvements in the labour conditions prevailing in Sri Lanka's deep-sea fishing sector. The original purpose of this research project, to contribute meaningfully to this debate will have been achieved through the publication of this report.

six recommendations to improve the labour conditions of Sri Lanka's deep-sea fishworkers

Recommendation No. 1

Requests 'that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that a fishworker (the employee) engaged to fish on behalf of the owner of deep-sea fishing boats (hull size > 32ft, powered by inboard engine(s), be legally entitled to a written Contract of Employment issued by the boat owner (the employer), prior to the commencement of the employee's period of employment. The Contract of Employment will be for a specified period (not less than six months), and will state such terms and conditions as are appropriate to the boat and fishing activity such as the fishworker's entitlement to leave and annual holidays, the method by which the fishworker's earnings will be calculated and the extent of fishworker's personal liability with respect to the boat, gear physical injury and any compensation arising there from. It should be further stated in the amendment that a boat owner failing to comply with this amendment would be liable to have his / her boat's licence to fish revoked for a specified period and would be liable to pay a fine'.

Recommendation No. 2

Requests 'that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length of equal to or greater than 32 ft (9.68 m), propelled by inboard engine(s), are required by law to be equipped with Single Side Band (SSB) radio and all fishing vessels with a hull length equal to or greater than 34 ft (10.28 m), propelled by inboard engine(s), are required by law to be equipped with both SSB radios and satellite navigation equipment. It should be further stated in the amendment that a boat owner failing to comply with this amendment would be liable to have his / her boat's licence to fish revoked for a specified period and would be liable to pay a fine.'

Recommendation No. 3

Requests 'that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32 ft (9.68 m), propelled by inboard engine(s), are required by law to carry one life jacket (buoyancy aid) for each crew member and distress flare at all times. It should be further stated in the amendment that a boat owner failing to comply with this amendment would be liable to have his / her boat's licence to fish revoked for a specified period and would be liable to pay a fine.'

Recommendation No. 4

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32 ft (9.68 m), propelled by inboard engine(s), are required by law to be equipped with a First Aid Kit. It should be further required by law that one member of the boat's crew holds a certificate in the administration of basic first aid techniques. It should be further stated in the amendment that a boat owner failing to comply with this amendment would be liable to have his / her boat's licence to fish revoked for a specified and would be liable to pay a fine.'

Recommendation No. 5

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32 ft (9.68 m), propelled by inboard engine(s), are required by Law to comply with design specifications and safety regulations, as set out by a relevant authority or as amendments to the Fisheries and Aquatic Resources Act, No 2 of 1996, and that these will be independently inspected and verifiable. It should be further stated in the amendment that a boat owner failing to comply with this amendment would be liable to have his / her boat's licence to fish revoked for a specified period and would be liable to pay a fine.'

Recommendation No. 6

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32 ft (9.68 m), propelled by inboard engine(s), are required by law to hold a valid insurance policy. This policy should cover damage to the boat and gear (including loss of gear) whilst at sea and specify compensation payable to crew members for injuries incurred whilst engaged in fishing and to the family of a crew member in the case of his death at sea. It should be further stated in the amendment that a boat owner failing to comply with this amendment would be liable to have his / her boat's licence to fish revoked for a specified period and would be liable to pay a fine.'

ශ්‍රී ලංකාවේ ගැඹුරු මුහුදු ධීවර කම්කරුවන්ගේ සේවා කොන්දේසි වැඩි දියුණු කිරීම සඳහා වූ සහ වැළැරවී නිර්දේශයන්.

නිර්දේශ අංක 01.

1996 අංක 2 දරණ ධීවර හා ජලජ සම්පත් පනත අවසන් පරිදි සංශෝධනය කරන ලෙස ඉල්ලා සිටීමත් පහත සඳහන් කරුණු ඊට ඇතුළත් කරන ලෙසත් නිර්දේශ කරමු. කඳ අඩි 32 දිග ඇතුළත එන්ජිම සවිකළ බෝට්ටුවල අයිතිකරු හා ගැනියන් අතර සේවයට බැඳීමට පෙරාතුව නීතිමය හිමිකම් ඇති ලිඛිත සේවා ගිවිසුමකට බැඳීමට සැලැස්වීම. එම සේවා ගිවිසුම නිශ්චිත කාලයක් සඳහා විය යුතු අතර එය මාස 06 කට අඩු නොවිය යුතුය. සේවකයින්ගේ නිවාඩු, වාර්ෂික නිවාඩු, ඉපයීම් සකසන අන්දම පිළිබඳව එම සේවා ගිවිසුමට ඇතුළත් විය යුතුය. එසේම බෝට්ටු පිළිබඳ සේවකයාගේ පුද්ගලික වගකීම ශාරීරික තුවාල සිදුවීම් හා ඒ පිළිබඳ වන්දි ගැනද සඳහන් විය යුතුය. මෙම සංශෝධනයන් සම්මත වී ක්‍රියාත්මක වූ පසු ඒවා උල්ලංඝනය කරන බෝට්ටු හිමියන්ගේ බලපත්‍රයන් නිශ්චිත කාලයකට අවලංගු කිරීමට හා දඩ මුදලකට යටත් කිරීමට ද මෙයින් නිර්දේශ කරයි.

නිර්දේශ අංක 02.

1996 අංක 02 දරණ ධීවර හා ජලජ සම්පත් පනත සංශෝධනය කර කඳ අඩි 32 (මීටර් 9.68) දිග හෝ ඊට වැඩි ඇතුළත එන්ජිම සහිත බෝට්ටුවල තනි පැති තරංග සහිත ගුවන් විදුලි යන්ත්‍රයක් (SSB Radio) සවිකර තිබිය යුතුයයි නීතියෙන් නියම කළ යුතුය. කඳ අඩි 34 (මීටර් 10.28) ඇතුළත එන්ජිම සහිත බෝට්ටුවල තනි පැති තරංග ගුවන් විදුලි යන්ත්‍ර සහ වන්දිකා මගින් මග පෙන්වන යාත්‍රා කිරීමේ උපකරණ සවිකර තිබීම නීතියෙන් නියම කළ යුතුය. මෙම නීතිමය අවශ්‍යතාවයන් උල්ලංඝනය කරන බෝට්ටු හිමියන්ගේ බලපත්‍ර නිශ්චිත කාලයකට අවලංගු කළ යුතු අතර දඩ මුදලකට ද යටත් කරනු ලැබිය යුතුය.

නිර්දේශ අංක 03.

1996 අංක 02 දරණ ධීවර හා ජලජ සම්පත් පනත සංශෝධනය කරමින් කඳ අඩි 32 (මීටර් 9.68) දිග සියළුම යාත්‍රාවල සේවය කරන එක් එක් ගැනියෙකු සඳහා ජීවිත ආරක්ෂක හැට්ටයක් (පාවී සිටීමට ආධාරකයක්) බැගින් සහ විපතකදී අනතුරු ඇඟවීමේ සංඥා එළි සැම වේලේම සපයා තිබීම නීතියෙන් නියම කළ යුතුය. මෙම නීතිමය අවශ්‍යතාවයන් උල්ලංඝනය කරමින් බෝට්ටු හිමියන්ගේ බලපත්‍ර නිශ්චිත කාලයක් සඳහා අවලංගු කිරීමට හා යම් දඩ මුදලකට යටත් කිරීම කළ යුතුය.

නිර්දේශ අංක 04.

1996 අංක 02 දරණ ධීවර හා ජලජ සම්පත් පනත සංශෝධනය කර කඳ අඩි 32 (මීටර් 9.68) දිග ඇතුළත එන්ජිම සහිත යාත්‍රාවල ප්‍රථමාධාර කට්ටලයක් තිබිය යුතු අතර බෝට්ටුවේ ගැනියන්ගෙන් එක් අයෙකු ප්‍රථමාධාර ශිල්පය පිළිබඳ සහතික පත්‍රයක් දරන්නකුගෙන් සමන්විත විය යුතුයයි නීතියෙන් නියම කළ යුතුය. මෙම නීතිමය අවශ්‍යතාවයන් උල්ලංඝනය කරන බෝට්ටු හිමියන්ගේ බලපත්‍ර නිශ්චිත කාලයකට අවලංගු කිරීමට හා දඩ මුදලකට යටත් කිරීම ද කළ යුතුය.

නිර්දේශ අංක 05.

1996 අංක 02 දරණ ධීවර හා ජලජ සම්පත් පොත සංශෝධනය කර කඳ අඩි 32 (මීටර් 9.68) දිග ඇතුළත එන්ජිම සහිත යාත්‍රාවල් නිර්මාණය කිරීමේ දී විශේෂිත වූ නියමයන්ට සහ ආරක්ෂක රෙගුලාසිවලට අනුව නිෂ්පාදනය කළ යුතුය. මෙය 1996 අංක 02 දරණ ධීවර හා ජලජ සම්පත් පොත සංශෝධනය මගින් හෝ අදාළ බලධාරියෙක් විසින් හෝ ස්වාධීනව සහතික කළ යුතුය. මෙම නීතිමය අවශ්‍යතාවයන් උල්ලංඝනය කරන බෝට්ටු හිමියන්ගේ බලපත්‍ර නිශ්චිත කාලයකට අවලංගු කිරීමට හා දඩ මුදලකට යටත් කිරීම ද කළ යුතුය.

නිර්දේශ අංක 06.

1996 අංක 02 දරණ ධීවර හා ජලජ සම්පත් පොත සංශෝධනය කරමින් කඳ අඩි 32 (මීටර් 9.68) දිග ඇතුළත එන්ජිම සවිකළ බෝට්ටු වලට වලංගු රක්ෂණ ඔප්පුවක් (Insurance Policy) තිබිය යුතුයයි නීතියෙන් නියම කළ යුතුය. මෙම ගිවිසුම් තුළ බෝට්ටුවට හා උපකරණ වලට මුහුදේ දී වන හානි හෝ නැතිවීම් පිළිබඳවද, බෝට්ටුවේ ගැනියන් සේවයේ යෙදී සිටියදී සිදුවූ ආපදාවන්ට වන්දි ද, සේවයෙක් මිය ගිය හොත් ඔවුන්ගේ පවුලේ ශාපේතයන්ට ගෙවිය යුතු වන්දි මුදල් ද, ආවරණය විය යුතුය. මෙම නීතිමය අවශ්‍යතාවයන් උල්ලංඝනය කරන බෝට්ටු හිමියන්ගේ බලපත්‍ර නිශ්චිත කාලයකට අවලංගු කිරීමට හා දඩ මුදලකට යටත් කිරීම ද කළ යුතුය.

இலங்கை ஆழ்கடல் மீன்பிடித் தொழிலாளரின் தொழில் நிபந்தனைகளை விருத்தி செய்வதற்கான ஆறு சிபாரிசுகள்

சிபாரிசு இல. 1

உள் இயந்திரம்/ இயந்திரங்களினால் இயங்கும் உட்பகுதி 32 அடி (9.68 மீ) அல்லது அதற்கு மேற்பட்ட அளவுள்ள ஆழ்கடல் மீன்பிடி வள்ளங்களின் "உரிமையாளருக்காக (தொழில் கொள்பவருக்காக) மீன் பிடிக்கும் தொழிலாளர் (வேலையாளர்), அவரின் தொழிற்காலம் ஆரம்பித்த முன்னர் சட்டப்படி அவரின் வள்ள உரிமையாளரிடமிருந்து எழுத்து மூலம் ஒரு தொழில் ஒப்பந்தம் பெற்றுக் கொள்ளும் உரிமையுடையவராக இருக்கிறார் என 1996 இன் மீன்பிடி நீர்வள அதிகாரச் சட்ட இல. 2 மாற்றப்பட வேண்டும் எனக் கேட்கிறது. தொழில் ஒப்பந்தம் ஆறு மாதங்களுக்கு குறையாது இருக்கும். அது மீன்பிடித்தொழிலாளருக்குரிய விடுமுறை நாட்கள், வருடாந்த விடுமுறைகள், மீன்பிடித்தொழிலாளரின் வருமானம் கணிக்கப்படும் முறைகள், அத்துடன் சரீரத்தில் ஏற்படும் காயங்கள் சம்பந்தமாகவும், அதனால் ஏற்படும் நஷ்ட ஈடு சம்பந்தமாக எடுக்கப்படும் நடவடிக்கைகள் போன்ற வள்ளத்திற்கும் மீன்பிடி நடவடிக்கைகளுக்கும் பொருத்தமான நியதி நிபந்தனைகளை உள்ளடக்கியதாக இருக்கும். வள்ள உரிமையாளர், இந்த மாற்றப்பட்ட சிபாரிசுகளுக்கு ஏற்ப நடக்கத்தவறும் பட்சத்தில் அவரினது வள்ளத்தில் மீன்பிடிப்பதற்கான உத்தரவாதச் சீட்டு ஒரு குறிப்பிட்ட காலத்துக்கு ரத்துச் செய்யப்பட்டு, குற்றப்பணம் கட்ட வேண்டிய வருமாக இருப்பார் என சிபாரிசின் மாற்றத்தில் மேலும் கூறப்பட வேண்டும்.

சிபாரிசு இல. 2

உள் இயந்திரம்/ இயந்திரங்களினால் இயங்கும் உட்பகுதி 32 அடி (9.68 மீ) அல்லது அதற்கு மேற்பட்ட அளவுள்ள சகல மீன்பிடிவள்ளங்களிலும் தனித்த ஒரு பக்க அலை வரிசை வானொலி (சிங்கிள் சைட் பான்ட் றேடியோ SSB) சட்டப்படி இருக்க வேண்டும் எனவும், உள் இயந்திரம்/ இயந்திரங்களினால் இயங்கும் உட்பகுதி 34 அடி (10.28 மீ) அல்லது அதற்கு மேற்பட்ட அளவுள்ள வள்ளங்களில் சட்டப்படி SSB வானொலியும் உபகிரக (ஸரலைட்) கப்பலைச் செலுத்தும் உபகரணங்களும் (இரண்டும்) இருக்க வேண்டும் என 1996 இன் மீன்பிடி நீர்வள அதிகாரச் சட்டம் இல. 2 மாற்றப்பட வேண்டும் எனக் கேட்கிறது. வள்ள உரிமையாளர் இந்த மாற்றப்பட்ட சிபாரிசுகளுக்கு ஏற்ப நடக்கத் தவறும் பட்சத்தில் அவரினது வள்ளத்தில் மீன்பிடிப்பதற்கான உத்தரவாதச் சீட்டு ஒரு குறிப்பிட்ட காலத்திற்கு ரத்து செய்யப்பட்டு, குற்றப்பணம் கட்ட வேண்டியவருமாக இருப்பார் எனச் சிபாரிசின் மாற்றத்தில் மேலும் கூறப்பட வேண்டும்.

சிபாரிசு இல. 3

உள் இயந்திரம்/ இயந்திரங்களினால் இயங்கும் உள் நீளம் 32 அடி (9.68 மீ) அல்லது அதற்கு மேற்பட்ட அளவுள்ள சகல மீன்பிடி வள்ளங்களிலும் ஒவ்வொரு மாலுமிக்கும் ஒவ்வொரு நீரில் மிதக்கும் - உயிரைக்காக்கும் சட்டை (லைப் ஜக்கற் - பொயன்சி எய்ட்) சட்டப்படி இரூக்க வேண்டும். அத்துடன் சகல வேளையிலும் ஆபத்து நிலைமையை வெளிக்காட்டும் தீச் சுடர்

(டிஸ்ரஸ் பிளயர்) உபகரணமும் சட்டப்படி இருக்க வேண்டும் என 1996 இன் மீன்பிடி நீர்வள அதிகாரச் சட்டம் மாற்றப்பட வேண்டும் எனக் கேட்கிறது. வள்ள உரிமையாளர் இந்த மாற்றப்பட்ட சிபாரிசுகளுக்கு ஏற்ப நடக்கத் தவறும் பட்சத்தில் அவரினது வள்ளத்தில் மீன் பிடிப்பதற்கான உத்தரவுச்சீட்டு ஒரு குறிப்பிட்ட காலத்திற்கு ரத்துச் செய்யப்பட்டு குற்றப் பணம் கட்ட வேண்டியவருமாக இருப்பார் என சிபாரிசின் மாற்றத்தில் மேலும் கூறப்படவேண்டும்.

சிபாரிசு இல. 4

உள் இயந்திரம் / இயந்திரங்களினால் இயங்கும் உள்நீளம் 32 அடி (9.68 மீ) அல்லது அதற்கு மேற்பட்ட அளவுள்ள சகல மீன்பிடி வள்ளங்களிலும் ஒரு முதலுதவிப் பெட்டி சட்டப்படி தயாராக இருக்க வேண்டும் எனவும், வள்ளத்தில் சட்டப்படி அடிப்படை முதலுதவி தொழில் நுட்பச் சான்றிதழ் வைத்திருக்குமொருவர் இருக்க வேண்டும் எனவும் 1996 மீன் பிடி நீர்வள அதிகாரச் சட்ட இல. 2 மாற்றப்பட வேண்டுமென கேட்கிறது. வள்ள உரிமையாளர் இந்த மாற்றப்பட்ட சிபாரிசுகளுக்கு ஏற்ப நடக்கத்தவறும் பட்சத்தில் அவரினது வள்ளத்தில் மீன் பிடிப்பதற்கான உத்தரவாதச் சீட்டு ஒரு குறிப்பிட்ட காலத்திற்கு ரத்து செய்யப்பட்டு, குற்றப்பணம் கட்ட வேண்டியவருமாக இருப்பார் என சிபாரிசின் மாற்றத்தில் மேலும் கூறப்பட வேண்டும்.

சிபாரிசு இல. 5

உள் இயந்திரம்/ இயந்திரங்களினால் இயங்கும் உள் நீளம் 32 அடி (9.68மீ) அல்லது அதற்கு மேற்பட்ட அளவுள்ள சகல வள்ளங்களும், பொருத்தமான அதிகாரியினால் அல்லது 1996 இன் மீன்பிடி நீர்வள அதிகாரச் சட்ட இல. 2 இன் திருத்தத்தினால் முன் வைக்கப்படும் வடிவமைப்பு கூற்றுடனும் பாதுகாப்பு ஒழுங்குகளுடனும் சட்டப்படி ஒத்துழைக்க வேண்டும். அத்துடன் இவைகள் தனிப்பட்ட முறையில் பரிசோதிக்கப்பட்டு சரிபார்க்கப்பட வேண்டுமெனக் கேட்கிறது. வள்ள உரிமையாளர் இந்த மாற்றப்பட்ட சிபாரிசுகளுக்கு ஏற்ப நடக்கத்தவறும் பட்சத்தில் அவரினது வள்ளத்தில் மீன் பிடிப்பதற்கான உத்தரவாதச் சீட்டு ஒரு குறிப்பிட்ட காலத்திற்கு ரத்து செய்யப்பட்டு, குற்றப்பணம் கட்ட வேண்டியவருமாக இருப்பார் என சிபாரிசின் மாற்றத்தில் மேலும் கூறப்பட வேண்டும்.

சிபாரிசு இல. 6

உள் இயந்திரம்/ இயந்திரங்களினால் இயங்கும், உள் நீளம் 32 அடி (9.68 மீ) அல்லது அதற்கு மேற்பட்ட அளவுள்ள சகல மீன்பிடி வள்ளங்களும் சட்டப்படி பெறுமதியுள்ள காப்புறுதி வைத்திருக்க வேண்டும் எனவும், அவ்வுறுதி வள்ளத்தையும் அதன் உபகரணங்களின் சேதங்களையும் காணாமல் போகும் உபகரணங்களையும் உள்ளடக்கியதாக இருக்க வேண்டும். கடலில் மீன்பிடித் தொழிலில் ஈடுபட்டுக் கொண்டிருக்கும் போது வள்ளத்தில் உள்ள மாலுமிகளுக்கு ஏற்படும் காயங்களுக்கும் அவர்கள் மரணமடைந்தால், அவர்களின் குடும்பங்களுக்கு கொடுக்க வேண்டிய நஷ்டஈட்டுத் தொகையும் குறிப்பிடும் வகையில் 1996 இன் மீன்பிடி நீர்வள அதிகாரச் சட்ட இல. 2 மாற்றப்பட வேண்டும் எனக் கேட்கிறது. வள்ள உரிமையாளர்கள் இந்த மாற்றப்பட்ட சிபாரிசுகளுக்கு ஏற்ப நடக்கத் தவறும் பட்சத்தில் அவரினது வள்ளத்தில் மீன்பிடிப்பதற்கான உத்தரவாதச் சீட்டு ஒரு குறிப்பிட்ட காலத்திற்கு ரத்துச் செய்யப்பட்டு, குற்றப் பணம் கட்ட வேண்டியவருமாக இருப்பார் என சிபாரிசின் மாற்றத்தில் மேலும் கூறப்பட வேண்டும்.

part two

In this section data is presented from UFFC's research programme, to support each of the six recommendations. But first briefly a note about how the data presented below was collected.

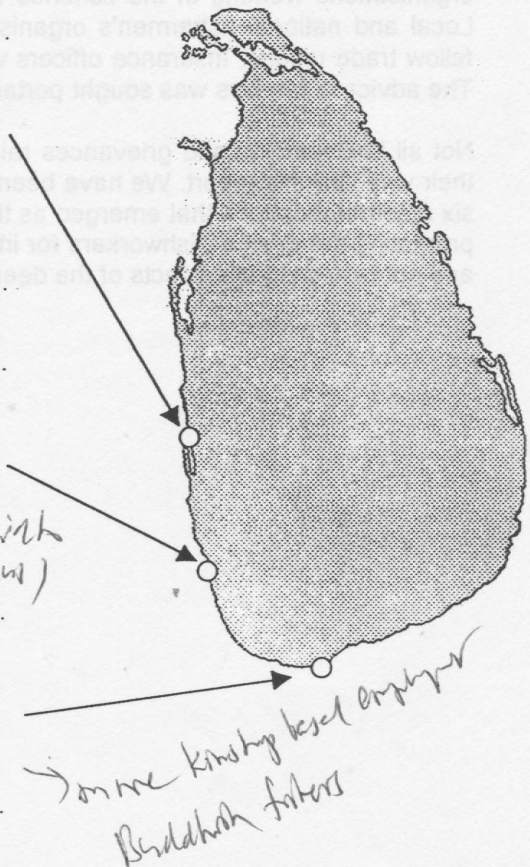
The field research was conducted in three fishing harbours, Negombo and Beruwala on the west coast and Devinuwara on the south coast (see Map One), between November 1998 and April 1999. A local field co-ordinator was recruited in each harbour, to facilitate communication with fishworkers and their families and to organise discussion groups and meetings. A set of guidelines was developed at the beginning of the project and field tested in Negombo. The revised guidelines were used to collect preliminary information about the labour conditions of deep-sea fishworkers. UFFC's research team interviewed skippers (15), full time fishworkers (15), part time fishworkers (10), boat owners (15) and the wives of full time fishworkers (10), skippers (10) and boat owners (10) in each harbour (see annex c).

Map One. Project research sites

Negombo (Gampaha District). Negombo lagoon has provided a natural harbour for fishing boats for more than 500 years. The district topped the national fish-landing league in 1997, when fishermen caught 24,750 mt. of fish. According to DOFARD's census in 1998 there were 187 deep-sea fishing boats operating from the harbour

Beruwala (Kalutara District). Sri Lanka's second largest fishing harbour (Basin area 10 ha) is home to more than 240 deep-sea fishing boats. The total fish catch for the district in 1997 was 12,400 mt.

Devinuwara (Matara District). Devinuwara is the centre of deep-sea fishing activity in the district, home to 178 of the district's 375 deep-sea fish boats in 1998. Fish weighing a total of 14,400 mt were caught by fishermen in district in 1997.



Following the collection and analysis of preliminary data, a discussion group was organised with between 12 and 25 full time fishworkers and skippers in each harbour. Fishworkers participating in these discussions were often not those who had been interviewed earlier, as it was found that many interviewees had returned to the sea. In the discussion groups issues highlighted in the interviews, relating to the conditions of labour of deep-sea fishworkers, were clarified and explored in more detail. Discussion groups were also organised with the wives of full time fishworkers and skippers. After analysing and compiling the opinions aired in the discussions groups into a set of 'recommendations', 'feedback sessions' were organised in each harbour with skippers and full time fishworkers. Many of the participants in these sessions were again new to the research project, as earlier participants had gone fishing. Separate feedback sessions were held with the wives of skippers and fishworkers, to further clarify the issues and opinions that are presented in this report.

In parallel to this process further clarification of issues and opinions was collected through discussions held during UFFC's monthly trade union meetings, with fishworkers, skippers and their wives, in each of the three harbours.

Broader opinions, from outside the deep-sea fishing community were also sought by the research team. Meetings were arranged with staff from MOFARD and DOFARD, including District Fisheries Extension Officers, Fisheries Inspectors and Radio Operators. We also solicited the opinions of fisheries research scientists, representatives from non-government organisations working in the fisheries sector and in Negombo the opinions of village priests. Local and national fishermen's organisations were interviewed, as were representatives from fellow trade unions. Insurance officers were approached with regard to boat and life insurance. The advice of lawyers was sought pertaining to legal matters.

Not all the opinions and grievances raised during these interviews and discussions have found their way into this report. We have been selective and have included only those that relate to the six recommendations that emerged as the conclusions of this study. This report is concerned with promoting the case of fishworkers for improvements in their terms and conditions of employment and not reviewing all aspects of the deep-sea fisheries sector.

Recommendation No. 1

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that a fishworker (the employee) engaged to fish on behalf of the owner of a deep-sea fishing boats (hull >32 ft, powered by inboard engine(s)), be legally entitled to a written Contract of Employment issued by the boat owner (the employer), prior to the commencement of the employee's period of employment. The Contract of Employment will be for a specified period (not less than six months), and will state such terms and conditions as are appropriate to the boat and fishing activity such as the fishworker's entitlement to leave and annual holidays, the method by which the fishworker's earnings will be calculated and the extent of fishworker's personal liability with respect to the boat, gear physical injury and any compensation arising there from. A deep-sea boat owner failing to comply with this recommendation, when formulated as an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996, will be liable to have his / her boat's licence withdrawn, in accordance with the Fisheries and Aquatic Resources Act, No 2 of 1996, Part II section

Fishworkers employed to work on deep-sea fishing boats in Sri Lanka undertake to work on boats based only on a verbal agreement of the terms and conditions of their employment. This 'agreement' covers remuneration, hours of work, duration of employment, bonuses and any liability. This agreement is valid for the duration of a single fishing trip or tour. No fishworker that we interviewed or met during the group discussions or feedback sessions had heard of an instance where the conditions of employment of a fishworker in the sector had been agreed in writing, prior to the commencement of his employment. Verbally agreed contracts are the norm. Three facets of the sector, kinship, tradition and the prevailing labour market are largely responsible for the informal relations that currently govern the employment of deep-sea fishworkers.

By kinship we mean the inter-relatedness of boat owners, skippers and fishworkers. The degree of inter-relatedness for any one boat ranges across a spectrum. At one extreme is the situation where the boat owner's son is the skipper and the three or four other fishworkers

are close family members i.e., uncles, younger brothers, cousins. Less commonly the boat owner is also the skipper and the crew are close relatives. A progressive weakening of kinship ties occurs when the crew is made up of non-related fishworkers. At the other extreme the boat owner, skipper and crew may all be unrelated and may have not worked together before.

In Negombo, Beruwela and Devinuwara boats operating under all these conditions were present. Although in this study we did not set out to collect empirical data concerning the importance of kinship in the management of deep-sea fishing boats, circumstantial evidence suggests that the prevalence of kinship relations differs between harbours. Representations made to UFFC from the families of fishworkers, skippers and boat owners arrested whilst fishing¹ from Devinuwara and Thodduwawa (north of Negombo) indicate that skippers, fishworkers and boat owners are often more closely related in these harbours. In contrast, during discussions with the families of arrested fishworkers from Beruwela and Negombo, it is not uncommon for the fishworker's family to be unaware of the name of the boat, boat owner or other members of the crew. Boat owners from Negombo and Beruwela reciprocate by often not knowing the names of the crew working on the boat at the time it was arrested.

The presence or absence of family ties between fishworkers, the skipper and boat owner is important in determining how fishworkers and skippers perceive their employment and the associated conditions of labour. Skippers and fishworkers working on boats where kinship links were strong were generally contented with their pay, holiday, bonuses, liability and their long term job security. In contrast, skippers and fishworkers working on boats where the kinship links between crew, skipper and the boat owner were weak or non-existent, repeatedly claimed that

¹ The arrest of Sri Lankan deep-sea fishworkers, almost always allegedly for illegally fishing in neighbouring countries' waters, is a major problem affecting the sector. This is taken up in the discussion of Recommendation No. 2, under the heading communication and navigation

*An absolute term
but with the difference
between the
two types?*

the calculation of their share of the catch and of expenses lacked transparency. These fishworkers were more likely to consider that their working hours were unfair, their liability was too great and claimed that they were vulnerable to exploitation by their employers. These points are discussed below.

If it is true as fishworkers interviewed in the study suggested that on the majority of deep-sea boats in all three harbours, the boat owner, skipper and crew are unrelated, how is it that informal relations of labour persist in the deep-sea fisheries sector? In posing this question to fishworkers who work on boats where kinship links were weak or non-existent, the answer most readily given was that it is the *'tradition or custom of the fishing community'*.

Informal relations of labour are a characteristic feature of fishing, that has its origins in the non mechanised fishing sector, where small craft such as theppams and oru are still predominantly, but not entirely, owner operated. Often these fishermen fish with the help of another individual, who is likely to be a relative or if not, then at least a close friend. In this sector, strong kinship links within a boat are the norm. The catch is divided between the two fishermen, with a third share going to the boat and gear – resulting in a third / two thirds split in favour of the boat owning fisherman. The notion of a written contract between the boat owner and the crew (brother, son, nephew, close friend) would be seen as perverse in such circumstances. Unwritten informal agreements are sufficient.

What is most striking about the informal nature of the relationship between boat owners and fishworkers is its tenacity in the face of increasing economic and to some extent social disparity between the individuals involved in fishing. As the cost of investment in fishing increases, through mechanisation (the introduction of engines), and new technology (such as fibre reinforced boats), coupled with increasing capacity (i.e., bigger boats), there is a tendency for those that can afford to buy and operate fishing boats to cease to go fishing. A class of 'boat owners' emerges, who although they were once fishermen, cease from then on to fish themselves.

As not every boat owner has enough relatives willing to work on his or her boat, labour must be brought in from outside the family and a class of 'fishworkers', who may once have been fishermen, but now work as wage labourers emerges. Moving across the spectrum of fishing, from 8 ft theppams to 48 ft deep-sea fishing boats, the strength of kinship relations within a boat gradually weakens. The influence of kinship relations in the employment of labour is probable least in the deep-sea fishing sector, where on the majority of boats in the sector, according to fishworkers, there is no relation between the boat owner, skipper and members of the crew.

But herein lies the key to the persistence of traditional relations of labour, 'on the majority of boats', *but not all*. Informal relations of labour are at the same time a tradition of the fishing community and, as a result of the persistence of a minority of family owned and operated deep-sea boats, a contemporary feature of the sector. As a consequence, verbal agreements that are sufficient between father, aunt, brother, son and nephew are continued by boat owners, skippers and crew, even when there are no family bonds governing the interactions between them.

A third force that makes a significant contribution to the continuance of informal relations of labour in the deep-sea sector is the labour market. The deep-sea fisheries sector came into being in response to the increasing fishing pressure on near shore and coastal fish resources. Coastal fishermen were exhorted to fish in deeper waters further off shore, by International and Government subsidies which supported (and continue to support) the construction of boats, harbours and the introduction of new fishing technology.

Yet the pressure on near shore fish stocks continues to grow and the opportunity that the deep-sea fishery sector once represented is now also acknowledged to have been over subscribed. Recent research suggests that the fishery is over capitalized and stocks within Sri Lanka's Exclusive Economic Zone (EEZ) are being maximally exploited (see **Part Three**). In terms of labour opportunity, fishworkers are back to square one. Work in the near-shore and coastal

fishery is still hard to find, and the same situation is developing the deep-sea fishing sector. Knowing this, boat owners are in a strong bargaining position with respect to the fishworkers that they employ. Challenges to the *status quo*, in the form of changes to the informal relations of labour that govern the employment of fishworkers will have to be made within this context.

The question might arise at this point in the reader's mind as to why are informal relations of labour such a bad thing? The first point to make is that obviously they are not always so. Where kinship links are strong between the boat owner and the fishworker, the likelihood that the lack of written undertaking between the two parties will lead to the exploitation of one by the other is considerably reduced. Intimate family ties and allegiances replace legally binding agreements, with family feuds and ostracism being the 'punishment' for breaking the 'rules' rather than fines or imprisonment. However, where there is no threat of social censure for such behaviour (i.e., where kinship ties are weak or do not exist) the converse is true. The potential for and existence of exploitative terms and conditions of labour are more likely to prevail.

recruitment and duration of employment

Only boat owner recruit deep-sea fishing boat's skippers. Where kinship links were present, these were identified by boat owners and by skippers as being the 'reason' determining the recruitment of the boat's skipper. In boats where kinship ties were not present, skippers offered a range of similar explanations for their recruitment. These included 'reputation', 'friendship', 'experience', 'confidence', 'knowledge' and 'trust'; all subtly variations on what ideally one suspects a boat owner would look for in recruiting a 'good' skipper.

Fishworkers are recruited in one of two ways. They are either recruited by the boat owner or by the boat's skipper. On boats where the fishworkers, the skipper and or the boat owner were related, kinship ties were given as the 'reason' for the fishworker's inclusion in the crew. Fishworkers with no kinship links to either the boat's owner or skipper proposed a similar range of qualities to those suggested by skippers (see above) for their selection.

The recruitment of part time deep-sea fishworkers is usually decided in the first instance by a vacancy onboard a deep-sea fishing boat. The part time deep-sea fishworker is often known to the boat owner or skipper and is able to go to sea at short notice when a regular crew member is unavailable.

The reliance on 'personal qualities' by boat owners to recruit a skipper and crew, in the absence of kinship, is a reflection of the lack of any other means of distinguishing between fishworkers. None of the skippers or fishworkers that we spoke to had received any formal training. The selection of fishworkers based on personal characteristics contributes to an arbitrariness that pervades the sector, as the same individual may be viewed differently by two different boat owners (the implications of which are considered below).

In Devinuwara the longest serving skipper we interviewed had worked on the same boat for five years. During the course of the past five years other skippers claimed to have worked on between two to four boats. Reasons for leaving a boat ranged from the need to 'change their luck' to less opaque concerns such as dissatisfaction with the boat's catch, their terms and conditions, receiving better offers from other boats and wanting to take a holiday. Taking leave from a boat effectively involves resigning ones job, as the boats return to sea as soon as they are re-equipped with supplies. (see hours of work below).

In Negombo we came across a Skipper who had worked on ten deep-sea boats in the past five years. He claimed that his peripatetic behaviour stemmed from a desire to take regular breaks from deep-sea fishing (see above). The remaining skippers that were interviewed had worked on their present boat for between one and five and half years; most skippers having worked on more than one boat in the past five years.

In Beruwala the picture was much the same. The longest serving skipper had been with his current boat for seven years – the boat's owner was his brother-in-law. Other skippers had worked on between one and five boats in the last five years.

A similar picture emerged for full time fishworkers, with the maximum number of years for a fishworker employed on the same boat being around five. At the other extreme we interviewed full time fishworkers in all three harbours who had worked on five boats in as many years.

In this study we did not set out to collect data to estimate average period of employment. Instead our aim was to derive an impression of the labour market and movements within it. Our findings suggest that the majority of skippers and fishworkers work on the same boat for 12 months or more. In Beruwala the payment of an annual bonus is a clear incentive for skippers and fishworkers to stay with a boat for 12 months or more (see remuneration below). Strong kinship links also foster long-term associations between skippers / fishworkers and particular boats – as one might expect.

The relative stability of the employment of skippers and also of many fishworkers, contrast with the verbal agreements under which skippers and fishworkers are employed. Skippers and deep-sea fishworkers are employed on a per trip or tour basis, while it seems well understood that the duration of a crew's employment is likely to be 12 months or more. The argument that employing fishworkers on a per trip basis results in their 'greater freedom and flexibility' to choose the boat on which they wish to work, must be set against the leverage this essentially temporary 'agreement' provides for boat owners. Already in a strong position to dictate the overall terms and conditions of the crews employment, employing fishworkers on a per trip basis provides boat owner with the freedom and flexibility to dismiss fishworkers at any time.

hours of work

Deep-sea fishing trips can last from around seven days up to 45 days. The shorter tours are made within Sri Lanka's EEZ (see Map Two and Tables Two and Three), the longer tours take the boats to the west of the Maldives, north of Lakshwadeep or in to the Bay of Bengal. A selection of travelling times, days fishing, total time at sea and holidays for a range of tours are presented below.

Table One: Travelling times, days fishing, total time at sea and holidays for a range of tours

Days at sea	Travelling time	Days fishing	Holiday entitlement	Boat length
7	2 - 3	4 - 5	2 - 3	32ft - 34ft
10	3 - 4	6 - 7	2 - 6	32ft - 34ft
14	3 - 4	10 - 11	3 - 7	34ft - 38ft
20	8 - 10	10 - 12	3 - 7	34ft - 38ft
28	10 - 20	8 - 18	4 - 7	34ft - 38ft
30	10 - 15	15 - 20	2 - 10	38ft - 40ft+
35	20	15	2 - 5	38ft - 40ft+
45	30	15	5 - 6	38ft - 40ft+

A significant portion of a deep-sea fishing trip is taken up by travelling to and from the fishing grounds. On tours lasting over 21 days, more than half of the tour can be taken up with getting to and returning from the fishing ground. During this time fishworkers may spend time preparing nets and lines, but basically they are awaiting their arrival at the fishing grounds to begin work. Both nets and long lines are set in the evening and hauled the following morning / afternoon. Hauling nets and lines can take between four and eight hours depending on the length of the net / number of hooks deployed. Once fishing begins, fishworkers claimed to work around the clock, setting nets, hauling nets, disposing of fish and setting nets once again, sleeping during the period the fishing gear is in the water.

The period of leave a fishworker gains after time spent at sea varies considerably between boats. It appears that fishworkers working on bigger boats received proportionally less shore leave between tours than fishworkers who work on smaller boats. Although fishworkers working on larger deep-sea boats spend up to three times as much time at sea, their leave entitlement is much the same as fishworkers who spend only ten days at sea. Many fishworkers claimed that they had no choice but to return to sea as soon as their boat was serviced and re-equipped for fishing. Failure to join the boat would result in their dismissal from the crew and their replacement by another fishworker. For many fishworkers, 'shore leave' involves working on the boat, repairing nets and for a skipper overseeing engine maintenance and repairs and thus does not equate fully with the notion of 'days off'. Fishworkers claimed that a day's 'shore leave' in all instances is taken up for re-equipping a boat with ice, diesel and food, prior to embarking on another tour.

Negombo based fishworkers receive annual holidays at the time of their major religious festivals at Easter and Christmas. Unlike small boat fishermen they work on Sundays. Devinuwara fishworkers receive extended leave during the Buddhist's celebration of Wesak, but are forced to work on Poya days – a Buddhist holiday, celebrated each month at the time of the full moon.

remuneration

In all three harbours the income of the boat's skipper and the crew, after each tour, is decided on the basis of a share of the value of the catch minus expenses. Slightly different sets of calculations are used in each harbour and between boats in the same harbour, as explained below.

Negombo: After the deduction of operational costs (e.g., ice, diesel, food) from the gross revenue generated by the sale of the fish, the net profit from a tour is divided between the boat owner and crew in accordance with the agreement made before the boat's departure. Three types of divisions of the net profit, between the boat owner and crew were reported. On large boats (over 40 ft) the net profit is split on a 60:40 basis between the boat owner and the boat's crew. On smaller boats the division is either made on a 55:45 basis or as a straight 50:50 split. The crew's share is then divided equally amongst them.

The additional responsibility of the skipper is acknowledged by the boat owner in the form of a 1% or 2% 'bonus', which is deducted by the boat owner from his or her share of the net profit. Skippers are further rewarded by their boat owners in the form of interest free loans, which may range from Rs 5,000 - 15,000. These loans are usually made at the beginning of a trip and deducted from the skipper's share of the net profit, on the boat's return. Several skippers also mentioned that the boat owner met the cost of their own and their family's health care whilst they were at sea.

Full time fishworkers, with a long association with an individual boat owner also reported that they too were able to obtain interest free loans from the boat owner. This though was not common to all fish workers and did not apply in the case of part time fishworkers.

Beruwala: After the deduction of operational costs from the gross revenue generated by the sale of the fish, the net profit from a tour is divided on a straight 50:50 basis between the boat owner and the crew, according to fishworkers in Beruwala. At the end of the year many boat owners give between 5% and 10% of their annual income to the boat's crew, which acts an incentive for both the skipper and the boat's crew to stay with the same boat throughout the year. This bonus is split between the boat's skipper and crew. The skipper takes between 40% to 50% of the boat's annual bonus.

As in Negombo, boat owners in Beruwala also give interest free loans to the boat's skipper, ranging in value from Rs 5,000 – Rs 75,000. Loans are also made available to full time fishworkers. One boat owner in Beruwala claimed that without offer loans he would be unable to recruit a crew for his boat. However, several full time fishworkers disputed the fact that loans were so readily available to fishworkers in Beruwala. Part time fishworkers are unable to obtain loans from boat owners.

Devinuwara: The majority of boat owners deduct the operational costs from the gross profit and divide the net profit between themselves and the boat's crew on a 50:50 basis. The skipper is usually paid a bonus payment ranging from 5% - 25% of the boat owner's share of the net profit.

As in Beruwala both the skipper and full time fishworkers can usually obtain interest free loans (up to Rs 15,000) from the boat owner.

Fishworkers estimated their income to range from a negative figure (see **Operational liability** below) to Rs 30,000 per tour. A study by NARA's Socio-economic Division, of the comparative economics of large and small scale fishing operations in Sri Lanka², estimated deep-sea fishworkers' monthly income to be around Rs 12,000 and Rs 24,000 for boat owners. This compares with around Rs 8,000 per month for FRP fishermen, and around Rs 3,000 per month for non-mechanised boat fishermen.

At first glance the arrangements for calculating the crew's salary, based on a share of the catch, appear reasonable enough. They reflect the boat owner's investment in the boat and gear, the crew's application to the task of catching fish and if the skipper receives a bonus, his skill and experience in locating good fishing grounds and safely piloting the boat. But on closer inspection this seemingly straightforward arrangement is full of opportunities that can and are, according to fishworkers, used to defraud deep-sea fishworkers of part of their rightful income.

Let's begin with the sale of the catch. The sale of fish from deep-sea fishing boats takes place on the quayside in one of two ways. The boat owner meets the boat and arranges the sale of catch, which is first laid out before the boat by the crew. Alternatively an agent, who completes this task, and others, on the boat owner's behalf, arranges the sale of fish to local or national fish wholesalers. Whether it is the boat owner or his / her agent who sells the catch, fishworkers do not take part in the business dealings. They are not present when the fish are sold. Once the fish have been unloaded fishworkers take no further part in the proceedings. Fishworkers depend totally on the boat owner or his / her agent to inform them of the gross value of their catch.

The gross value of the catch species depends on the type, size and quality of the fish caught. Market prices for each type and quality of fish fluctuate daily, in response to local and national supply and demand. Fishworkers claimed it was very difficult to accurately gauge the value of their catch, simply by looking at it. Fishworkers working on non-family boats repeatedly alleged that their boat owners habitually deceived them by underreporting the gross value of their catch.

The boat owner or his / her agent also calculates the boat's operational cost. Fishworkers claimed to be better able to judge the expenditure on fuel, ice and food. The net profit is calculated by subtracting the operational cost from the gross income obtained from the sale of the catch. After this subtraction the value of each crew member's share is calculated. The boat owner or agent makes these calculations and informs the fishworkers of their earnings one or two days after the sale of the catch. There is no opportunity for fishworkers to question these calculations or their eventual share. They are simply given a lump sum and many feel strongly that they are repeatedly under paid.

Although it would be extremely difficult to collect evidence to support the allegations of deception made against boat owners and their agents by fishworkers, this does not invalidate the fishworkers main grievance, that the way in which the catch is sold leaves them open to manipulation and exploitation. The mechanism through which fish caught by deep-sea fishing boats are sold is another example of the continuation of traditional fishing practices, even though the social and economic context in which the sale takes place has changed. Traditionally strong kinship links do not now protect deep-sea fishworkers from deception by boat owners or agents, as they would have in the past. At the same time the value of the transactions has increased exponentially.

² Comparative study on the economics of large and small scale fishing operating in Sri Lanka - 1997. Socio-economic Division, NARA.

Catches with a value of over Rs 200,000 are not uncommon - a considerable sum of money. Yet the sale of fish is negotiated in exactly the same manner as is done for small traditional boats: it takes place on the quayside, through a series of informal exchanges, without regulations or easily verifiable conditions of sale.

In actual fact, the beach sale of fish caught from small boats is considerably more transparent than the negotiations for the sale of the catch from deep-sea fishing boats. On the beach, the auctioneer shouts out the price to the surrounding buyers. On the quayside negotiations take place more furtively, between sellers and buyers. Fishworkers further alleged that the records submitted to the market authorities do not always tally with the value of fish sold.

The incentive for boat owners to continue to sell fish caught from deep-sea fishing boats in an informal unregulated manner, strongly reminiscent of traditional fisheries is obvious. Likewise the benefits that would potentially accrue to fishworkers, if the marketing of their catch were to be regulated and made more transparent, are equally clear.

operational liability

Fishworkers' and boat owners' incomes are variable. A gross profit of three hundred and thirty thousand Rupees this month, may be followed by a loss of one hundred thousand Rupees next month, if the boat returns to port without catching fish. If no fish are caught the operational costs (between Rs 30,000 and Rs 110,000) are met in one of three ways. If the loss is small, the boat owner alone may cover the expenses. Alternatively the boat owner and crew together share the loss, using the same ration to split the loss as they would the net profit after a successful tour. In some cases the crew alone are expected to 'pay' for the loss. Any money owed by the fishworkers, to the boat owner, is deducted from the fishworker's share of the net profit, from the next successful tour.

If the nets or gear are lost or damaged whilst the boat is at sea, either the boat owner alone, the boat owner and crew or the crew alone bears the cost of their replacement or repair. If the fishworker is considered liable, the money owed by the fishworkers to the boat owner is deducted from the fishworker's share of the net profit, from the next successful tour.

comments

A broadly similar picture emerges from the three harbours from which UFFC's collected information concerning the duration of employment, hours of work remuneration and the liability of deep-sea fishworkers. There is clearly a consensus in the sector that remuneration should be based on a share of the catch. Everyone agrees that time spent at sea should be followed by a period of shore leave and that some holidays and festivals should be observed ashore. Skippers generally receive a bonus in acknowledgement of their additional skills, experience and responsibility, while fishworkers with a longer association with a particular boat are usually granted privileges such as access to interest free loans and financial assistance with respect to health care. Boat owners and the crew each share a part of the liability for the boat and its gear when it is at sea.

But when it comes down to the details however, consensus is anything but assured. Should the catch be split 60:40 or 50:50? Should 30 days at sea be followed by five or eight or ten days ashore? Should all employees be entitled to an annual bonus and interest free loans? Should boat owners be liable to pay for damage to the gear? The permutations and possibilities are endless, but the decision making lies solely in the hands of the boat owners, and thus always favours the boat owners, according to skippers and fishworkers with whom we spoke. If a skipper or fishworker takes issue with a boat owner on any of these considerations, the boat owner has the option to respond by dismissing the individual from his or her boat.

It was during a series of feedback sessions with fishworkers that the idea embodied in the first recommendation was first proposed as a solution to the disadvantageous situation that many fishworkers perceived themselves to face. The argument ran something like:

although deep-sea fishing shares a fundamental similarity with near shore and coastal fishing, the greater polarisation of the 'boat owner' and 'fishworker' in the deep-sea fishing sector and the concomitant reduction in the influence of kinship, necessitates changes in the way in which 'agreements' between the two parties are reached.

The key issue that developed out of these discussions was for the need for a written statement explaining the terms and conditions of employment to be set out and agreed on by the boat owner, as the employer, with each fishworker (as the employee), prior to beginning a period of employment on a particular boat. The principle of a legal entitlement to 'a written contract of employment' issued by the boat owner (as the employer) prior to the commencement of the fishworker's period of employment was warmly received by the fishworkers participating both in the research programme's discussions and subsequently in the union's meetings.

The ILO's Fishermen's Articles of Agreement Convention, 1959 (No. 114) sets out guidelines for the introduction of 'terms of agreement' to be signed between boat owners and members of the crew. Article 3.1 of this Convention stipulates that '*Articles of agreement shall be signed both by the owner of the fishing vessel or his authorized agent and by the fishermen. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the fishermen and, as the case may be, also to his adviser*'. Article 5 suggests that a record of employment be maintained for each fisherman by or in a manner prescribed by a competent authority. And that at the end of each voyage a record of service in regard to that voyage be available to the fishermen concerned or entered into his service book. Article 6 sets out the nature of the agreement to be signed. This convention could be used to provide the framework for developing a 'contract of employment' for Sri Lanka's deep-sea fishworkers.

Reference too could be made to the ILO's Hours of Work (Fishing) Recommendation, 1920 (No. 7) which proposes that an eight hour's day or forty eight hours' week be adopted as the standard to be aimed for where it is not already attained. This recommendation also comments on leave entitlement.

Although Recommendation No. 1 received widespread support during the 'feedback sessions', there was an equally large amount of scepticism about fishworker's ability to engender such a change and the 'workability' of such an agreement should it become a part of any national legislation. The first reservation stems in large part from deep-sea fishworkers total lack of organisation, a factor that UFFC has been brought into existence explicitly to address. The formulation of these recommendations and their subsequent submission to the MOFARD's Committee represent small steps in the direction of statutory requirement. But much work still requires to be done.

The second reservation is equally valid and perhaps will prove harder to overcome, given the prevailing attitude towards the relations of labour in the deep-sea fisheries sector. Fishworkers in Beruwela in particular spoke of the violence, implied and actual, that underlies the labour relations between boat owners and fishworkers. Simple challenges to the authority of the boat owner, such as a dispute over the share of a catch, are usually met by the offending fishworker being dismissed from the boat, it was alleged. Persistent dissenters gain a reputation and boat owners respond by not employing the fishworker. The threat of violence or actual assault is only resorted to by boat owners when faced by a fishworker who not only challenges a specific incident, but also uses this occasion to launch an attack on the general relations of labour in the sector. The introduction and implementation of written contracts of employment satisfies both these criteria and as fishworkers pointed out, they should not expect the boat owners to welcome these innovations with open arms.

In the discussions in Devinuwara the question was asked as to whether a written contract of employment would apply to those deep-sea fishing boats still owned and operated by family units - as is common in the harbour. There it was argued that kinship ties remain sufficient to prevent the exploitation of fishworkers as labourers. The feedback from both Devinuwara and Thodduwawa fishworkers implies that this is likely to be so on family owned boats. However this does not invalidate the principle of a contract of employment and it was argued that universal compliance would both establish a new mode of operation and facilitate monitoring and regulation.

None of the existing labour legislation in Sri Lanka has been applied to fisheries, due to the lack of any legal recognition of the formal relationship between the boat owners as the employer and the fishworker as the employee. A single successful test case is all that is required to set a legal precedent, after which, the following acts would then apply. The Wages Board Act allows for tripartite Wages Board to be set up in a given sector, through which minimum wages are set for different categories of employment in the sector. The Employees Provident Fund Act, the Employees Trust Funds Act and the Gratuity Act all relate to long term welfare payments to workers, paid at the end of a period of employment. The Industrial Dispute Act sets out procedures to be followed in respect to disputes, strikes and termination of contract. All could be applied to the deep-sea fisheries sector if legal recognition of the relationship between boat owners and deep-sea fishworkers could be ascertained.

It is difficult to envisage a set of sensible arguments capable of denying deep-sea fishworkers the right to be included under Sri Lanka's existing labour legislation. The argument that the economic viability of the deep-sea fishing sector would be imperiled by improving the terms and conditions of deep-sea fishworkers through fishworkers formal inclusion under existing labour legislation implies that the sector relies on unfair employment practices - the exploitation of fishworkers' labour - to maintain its commercial viability. In itself it is an argument for change and improved management of the sector, not against it. While it is possible that improvements in the labour conditions of deep-sea fishworkers might reduce the opportunity for more fishworkers to join the sector, any improvements would create better working conditions for those fishworkers currently employed in the sector.

communication and navigation

Recommendation No. 2

Requests 'that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32ft (9.68 m), propelled by inboard engine(s), are required by law to be equipped with Single Side Band (SSB) radio and all fishing vessels with a hull length equal to or greater than 34ft (10.28 m), propelled by inboard engine(s), are required by law to be equipped with both SSB radios and satellite navigation equipment'.

We could come up with no more than best 'guesstimates' of the percentage of boats in Negombo, Beruwela and Devinuwara that are equipped with Single Side Band (SSB) radios, as no official figures are available. Our figures ranged from only 30% in Beruwela, to more than 75% in Negombo, with Devinuwara deep-sea boats somewhere in between. It was generally accepted that the bigger the boat, the more likely it was to have a radio onboard. The main reason given for a boat not being equipped with a radio, was the boat owner's desire to reduce his costs.

A SSB radio in combination with a Whip Antennae System is capable of transmitting and receiving messages up to a distance of 1,000nm – depending on meteorological conditions, according to the Radio Operator stationed at the DOFARD's Radio Sentry in Mankuliya, Negombo. Boats equipped with radios that fish beyond 1,000nm are still able to contact the shore, by relaying messages through deep-sea fishing boats that are positioned at intervening intervals.

Radio communication between boats and between boats and the shore based radio sentries is a key factor in ensuring the safety of deep-sea fishing, according to deep-sea fishworkers. Boats equipped with a SSB radios are able to seek immediate assistance when faced with engine failure and equally as importantly seek assistance when a crew member is injured or taken ill. Fishworkers also argued that with a radio on board boats were better able to avoid arrest by foreign navies or interception by the Liberation Tigers for Tamil Eelam (LTTE) who operate off the north east coast.

Acknowledging the importance of a radio link between ship and shore the MOFARD is implementing a programme to establish Radio Sentry Rooms covering the entire coast from the Northwest through to the Southeast and on the East Coast at Trincomalee. In Beruwela, the Radio Sentry is equipped with a SSB radio (model IC – M710), operating on eight channels at 100 watts per channel. The dipolar antenna system enables the operator to send and receive messages up to a distance of 2,500 nm depending on weather conditions. This is sufficient to contact Singapore to the east and to reach out beyond the Andaman Islands into the Arabian Sea to the northwest.

The MOFARD has been quick to establish a mechanism to improve the safety of deep-sea fishworkers through the provision of what is hoped will eventually become a 24 hr service. The response from boat owners has been less impressive, due, fishworkers alleged, to the cost that is involved. The first part of the second recommendation requests that the Government introduce legislation that in effect would make it compulsory for all deep-sea fishing boats to be equipped with a SSB Radio.

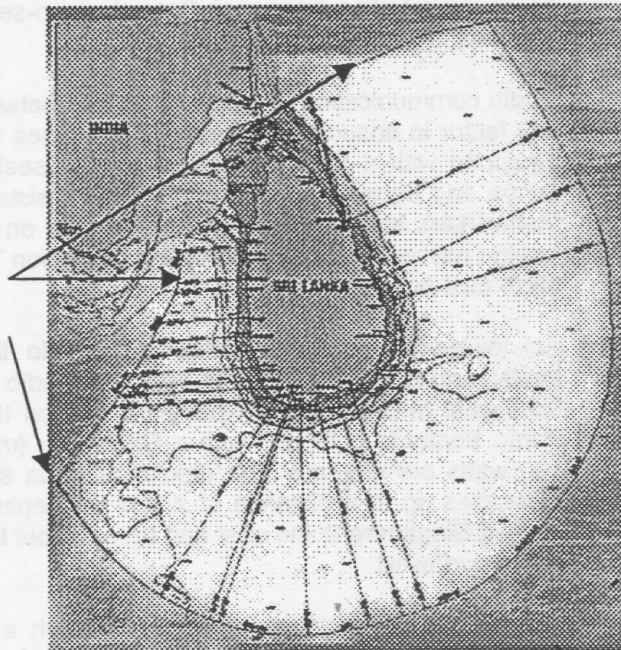
navigation

None of the skippers interviewed in this study had received any formal training in the use of charts and navigation equipment, yet all were confident that they could plot their course to and from fishing grounds. Skippers were equally happy to admit that they knew the locations of international maritime borders and were well aware when they crossed them.

A number of skippers believed that with the growing pressure on deep-sea boats to travel further in search of fish, there was an equally strong need for Sri Lanka's deep-sea fishing boats to take advantage of the recent advances in satellite navigation equipment. As one skipper remarked, being able to report the boat's exact position to other boats or shore based services in Sri Lanka or neighbouring India or the Maldives, could make the difference between life and death in a situation where a boat experiences a technical problem or a crew member suffers an injury or serious illness. The second part of the second recommendation requests the Government to introduce legislation that in effect would make it compulsory for all deep-sea fishing boats greater in length than 34 ft to be equipped with satellite navigation equipment.

Map two. Sri Lanka's EEZ³

Under the International Law of the Seas, Sri Lanka's Exclusive Economic Zone extends 200 nautical miles from its shores. As can be seen from the map (right), Sri Lanka is only able to claim the full extent of this limit along approximately half of its coastline. To the north, north-west and west, the 200 nm limits of Sri Lanka and India overlap. A maritime border has been negotiated according to international law. To the southwest the claims of Sri Lanka, India and the Maldives converge, creating another barrier to Sri Lankan deep-sea fishing boats, wishing to fish in international waters to the northwest or due west. Only to the south and the east are Sri Lanka boats free to fish beyond Sri Lanka's borders. However here the waters are deep and unproductive and the smaller Sri Lanka boats must face the competition of the international fishing fleets from Korea, Japan and Thailand.



³ This map appears in the MOFARD's annual report for 1997, entitled 'Performance 1997' published by Print and Print Graphics Institute Colombo 10.

comment

It is now widely accepted that there are insufficient fish resources within Sri Lanka's EEZ (see map in Box Two) to support the continually expanding deep-sea fishery sector (see Part Three for a short discussion Sri Lanka's deep-sea fish resources). As a consequence deep-sea fishing boats need to travel further in search of fish. As research data collected by NARA revealed, the majority of large deep-sea fishing boats operating from the west coast now fish virtually exclusively outside Sri Lanka's EEZ (see Tables One and Two below). Fishworkers we spoke to, verified that this is so.

Favourite fishing grounds include the waters adjacent to the Maldivian Island of Male and those near to India's Lakshwadeep Islands. Many Sri Lankan deep-sea fishing boats now fish in international waters, to the north-west in the Arabian Sea and off the Somalian coast and westwards towards the Seychelles. Many skippers take the risk of being intercepted by the LTTE and pass through Palk Bay to head for fishing grounds adjacent to the Andaman Island (off the east coast of India) and further to the north in the Bay of Bengal.

The distance Sri Lanka's deep-sea fishing boat journey in search of fish increases, radio and satellite navigation equipment are a basic requirement to ensure the safety of the boat and its crew. The increasing threat of interception by the LTTE or arrest by foreign navies further requires that all Sri Lankan boats are required by law to carry radios and satellite equipment. The capture and arrest of Sri Lankan fishworkers is discussed in more detail in the section 'design and safety' below.

Table Two. The fishing grounds visited by small (<35ft) deep-sea boats in 1995 / 96⁴

	Fishing boat	Fishing within the EEZ			Fishing outside the EEZ		
		Western	Southern	Eastern	Western	Southern	Eastern
West coast							
Chilaw	292	79	54	30	112		
Negombo	1,311	455	34	24	671	8	
Beruwela	1,011	527	116		58	8	
Sub total	2,614	1,061	204	54	841	16	0
		49%	9%	2%	39%	1%	
South coast							
Galle	506	97	34	33			
Mirissa	492	76	109	158			
Dondra	1134	132	452	352			
Kudawella	657	7	99	208		2	
Tangalle	933	55	160	187			
Kalmatiya	133						
Sub total	3,855	367	854	938	0	2	0
		17%	40%	43%		<1%	
East coast							
Kirinda	438	17	26	93			
Grand total	6,907	1,445	1,084	1,085	841	18	0
		32%	24%	24%	19%	<1%	

Table summary: Table Two reveals that roughly 80% of smaller deep-sea fishing boats fished within Sri Lanka's EEZ in 1995/96. Smaller deep-sea fishing boats based on the west coast, fished in waters off the west coast, while those based on the south coast fished equally off the southern and eastern coasts. 40% of smaller boats operating out of west coast harbours fished outside Sri Lanka's EEZ (see MapTwo).

⁴ From data collected by the National Aquatic Research Agency and presented at an ADB funded Workshop at NARA in November 1998.

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Table Three. The fishing grounds visited by large (>35ft) deep-sea fishing boats in 1995 / 96.

Fishing Boats		Fishing within the EEZ			Fishing outside the EEZ		
		Western	Southern	Eastern	Western	Southern	Eastern
West coast							
Chilaw	460	119	44	0	287	0	0
Negombo	1,021	180	21	10	603	0	0
Beruwela	161	28	10	0	63	10	0
Sub total	1,642	327	75	10	953	10	0
		24%	5%	1%	69%	1%	
South coast							
Galle	751	301	235	24	46	33	0
Mirissa	179	10	90	34	0	0	0
Dondra	481	125	123	153	5	0	3
Kudawella	67	6	20	41	0	0	0
Tangalle	0	0	0	0	0	0	0
Kalmatiya	13	0	0	13	0	0	0
Sub total	1,491	442	468	265	51	33	3
		35%	37%	21%	4%	3%	<1%
East coast							
Kirinda	100	8	8	63	0	0	0
Grand total	3,233	777	551	338	1,004	43	3
		29%	20%	12%	37%	2%	<1%

Table summary: Table Three reveals that although 60% of large deep-sea fishing boats fished within Sri Lanka's EEZ in 1995/96, there was a strong regional variation. 70% of large deep-sea fishing boats based on the west coast, fished to the west of Sri Lanka's EEZ (see Map Two).

onboard safety

Recommendation No. 3

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32 ft (9.68 m), propelled by inboard engine(s), are required by law to carry one life jacket (buoyancy aid) for each crew member and distress flare at all times⁵.

None of fishworkers nor skippers that were interviewed could name a boat that they had worked on that was fitted out with life jackets or buoyancy aids or that carried distress flares. One fishworker did possess his own life jacket which he picked up while at sea; a cast off from a passing ship or some other vessel. Boat owners were equally candid in acknowledging that their boats were not equipped with safety devices. Seeking justification, a few embarked on a long explanation of how Sri Lankan deep-

sea fishing boats rarely sank (which appears to be a truism) and that Sri Lankan fishworkers, on average, could swim for 12 hours or more. The Principal of the Fisheries Training Institute in Negombo held the contrary opinion and alleging that this claim was largely bravado and many fishworkers were not accomplished swimmers.

To be fair to the boat owners, the fishworkers interviewed during this study did not place safety devices high on their list of essential on-board requirements. According to fishworkers, a boat's failure to carry safety devices (e.g., life jackets, buoyancy aides, distress flares or life rafts) was simply another consequence of the boat's owner's desire to cut costs and maximise profits.

This opinion was also held by representatives of two major boat yards, who reported that although they offered boat owners the opportunity to include the provisioning of new boats with life jackets made to internationally acceptable standards, boat owners were uninterested because of the additional cost this would incur.

comment

There currently exists no legislation compelling deep-sea boats to carry any kind of safety devices for the protection of the lives of the boat's crew. With the cost of a new deep-sea boat currently upwards of Rs 550,000⁵, the omission of safety devices, at the cost of a few thousand rupees, is unacceptable.

⁵ Sri Lanka Fisheries Year Book 1998. National Aquatic Resources Research and Development Agency.

Recommendation No. 4

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1998 be made such that all fishing vessels with a hull length equal to or greater than 32 ft (9.68 m), propelled by inboard engine(s), are required by law to be equipped with a First Aid Kit. It should be further required by law that one member of the boat's crew holds a certificate in the administration of basic first aid techniques⁶.

On board health issues were, with one exception, not a major concern of the fishworkers with whom we spoke. This is almost certainly because serious physical injury at sea is not a common phenomenon. Virtually all Sri Lanka's deep-sea fishing boats manually set and haul drift nets and long lines; as a rule, fishworkers do not come into contact with machinery whilst engaged in fishing⁶. Fishworkers are at risk of muscle strain, sprains, joint dislocations, cuts, bruising and on rare occasions the loss of digits, as a consequence

of setting and hauling heavy nets and lines. Fatigue was raised as an increasingly important issue by some fishworkers; large drift nets (15 kms) and longer long lines (30 kms) can take over eight hours to haul. If the sector continues to push for bigger boats and more fishing gear, the point will be reached (if it has not already) where regulations governing 'active working hours' such as the ILO's Hours of Work (Fishing) Recommendation, 1920 (No. 7) should be considered. The Hours of Work Recommendation proposes that an eight hour's day or forty eight hours' week be adopted as the standard to be aimed for where it is not already attained. Negating the physical exertion currently involved in deep-sea fishing, by mechanising the process of setting and hauling nets, would likely increase, rather than decrease, the hazardous nature of the fishworker's work place.

Fishworkers regularly suffer from minor illnesses such as headaches, stomach upsets and fevers whilst at sea. To relieve illnesses at sea, fishworkers apply local balms (e.g., *Siddhalapa*, and *Wintogeno*), take common painkillers such as *Panadol* or take herbal remedies such as coriander water, which is taken as a tonic for fevers. The single onboard health issue that was repeated highlighted as a real concern amongst fishworkers, was the high prevalence of skin diseases.

Fishworkers suffer from a range of dermatological problems from simple, but constant, itching to eruptions and fissuring of the skin (i.e., open sores and cuts). Fishworkers unanimously blamed these problems on insufficient onboard supplies of freshwater for bathing. On longer tours it was claimed that fishworkers are forced to bathe daily in salt water for periods of more than two weeks. Fishworkers alleged that deep-sea fishing boats exhaust their supplies of freshwater, because the boats are spending more time at sea than the boat's design allows for. This point is taken up in the discussion of Recommendation No. 5 below.

Should a fishworker's medical condition become serious at sea, several courses of action are open to the skipper and crew. The commonest action taken is for the boat to make radio contact with other boats returning to port and transfer the patient at sea. This of course assumes that the boat is equipped with a SSB radio, which as noted above is not the case for many deep-sea fishing boats. If the boat is at the very beginning or nearing the end of its tour, the tour may be cut short and the boat will return the ailing fishworker to shore.

If the condition develops mid tour and a port bound boat can not be contacted, the fate of the fishworker is most likely to be left to chance. A portion of the overheads (i.e., fuel, ice, food) for each trip is borne by the crew (see remuneration and operational liability sections above). Fishworkers were quite explicit in stating that in such a situation, collective economic considerations are much more likely to take precedent over an individual's welfare. It was argued that this was in many ways a purely practical decision. If a fishworker develops a serious

⁶ This situation could change in the future if a recent recommendation to encourage the introduction of a small number of tuna long liners, equipped with mechanised line haulers, is pursued by DOFARD

condition and the boat is 15 days travelling time from port, even immediately embarking on the return journey is unlikely to save the individual's life.

Once ashore the 'responsibility' to treat a sick or injured fishworkers lies with the boat owner. The Radio Sentry passes in-coming radio messages relaying injury and illness to the boat's owner, whose task it is to make arrangements on behalf of his crew member. Fishworkers are treated in the nearest local hospital or clinic, depending on the severity of the illness or injury.

Each of DOFARD's Radio Sentries maintain a log-book, recording all in-coming and out-going messages, including incidents and accidents at sea. A central database is maintained at the MOFARD's Offices in Colombo. The Ministry also retains a panel of doctors, who can be contacted by the Radio Sentry's Radio Operator, should a critical illness arise at sea. In this way a doctor's diagnosis and recommendations for treatment for the affected fishworker can be relayed to the crew of the boat. Just how successful this provision is in practice was difficult to gauge.

In the case of a death at sea, the local Police, meet the returning boat at the harbour, and initiate an investigation into the cause of death. Families of a fishworker who dies at sea often face problems in obtaining a death certificate for the body. Without a valid death certificate families of fishworkers who die at sea are unable to claim on personal insurance policies or obtain any available Government assistance.

The impact that working as a deep-sea fishworker has on the mental health of the individual and on his family is difficult to assess. Wives and mothers spoke emotionally about their fears for their husbands' and sons' safety at sea. Most said they would prefer it if their husbands or sons were not deep-sea fishworkers, but, with no alternative means of income, they recognised they had little choice but to continue. The family relationships between husband and wife and between a father and his children can become strained, both by the father's prolonged absence from the home and his brief appearances between tours.

Wives and mothers of fishworkers and of boat owners repeatedly raised their concern about the likelihood of arrest and detention of the boat and crew over seas; a threat that hangs like a spectre over the sector. If the possibility of arrest creates anguish, then its actuality results in severe emotional distress. Mothers and wives face the uncertainty without a source of income and for the fishworkers, detained without knowing when or how they will be released, there is the worry of how their families are coping in their absence.

The situation prevailing in Devinuwara highlights the stress and anxiety associated with deep-sea fishing. In Devinuwara the fate of more than eighty fishworkers remains unknown. It is suspected that these fishworkers have been captured by the LTTE. Whether they are dead or alive, no one knows. Sadness and grief, suppressed in the day to day dealings of the families' lives, rise and overflow when families talk about their present situation and their hopes and fears for the future.

Some fishworkers that were interviewed admitted they were often frightened by the dangers they faced whilst fishing, while others were more cavalier. The macho image of themselves that deep-sea fishworkers outwardly project is part truth and part fiction. It is a significant factor in the 'playing' down of the seriousness of fishworker's health concerns. However issues related to health and safety, that are considered as being 'part of the job', need not be.

comment

There is no legal requirement that a deep-sea fishing boat should be equipped with a First Aid Kit or that a member of the crew should know how to use one. The Factory Ordinance Act covers aspects of health and safety in the work place, specifying sanitation requirements and First Aid. The Workers Compensation Act and the Compensation Act, ensures relief to employees who meet with accidents during the course of their duties. Compensation is paid as a ratio of salary earned. These regulations currently do not apply to the fisheries sector, due to the lack of any legal recognition of the formal relationship between the boat owners as the employer and the fishworker as the employee.

Recommendation No. 4 takes up this point. None of the fishworkers interviewed had, or knew anyone else who had, formal training in First Aid. Representatives of two of the leading boat yards said that although their companies offered boat owners the option of installing internationally certified First Aid Kits on newly built boats, this offer is unattractive to boat owners, due to the additional cost. Acknowledging the need for First Aid Boxes on board fishing boats the Ministry of Fisheries and Aquatic Resources Development has recently launched a nationwide programme to provide 5,000 First Aid Boxes free to fishing boats. Whilst this is an encouraging step forwards, more action is needed to ensure that all deep-sea boats install boxes and that the contents of the boxes are maintained.

Skippers were identified as the most likely candidates to undertake training in basic first aid, as a consequence of their pre-existing higher level of skills, practical knowledge, education and commitment to fishing, in comparison to the average fishworker. The Department of Fisheries and Aquatic Resources Development's National Fisheries Training Institutes (of which there are six around the country) run training courses in First Aid. However these, as with most of their courses, are aimed at young people in the fishing community and not at established fishworkers. An effort could be made to develop 'one-day' First Aid courses for working skippers.

Fishworker's main health concern, the common occurrence of skin diseases, arises as a result of the lack of sufficient on-board freshwater and is discussed below. This issues urgently needs to be addressed. Deep-sea boats of all sizes are staying at sea for longer periods of time, in response to decreasing fish resources within Sri Lanka's EEZ. This is as much a technical issue, a health issue as well as a fisheries management issue.

It is evident from UFFC's continuing interactions with deep-sea fishworkers and their families that levels of tension and stress in the community are often very high. Fishworkers and their families suggested that a mechanism be developed to allow them to contact their families during fishing trips. The radio link between a boat at sea and the shore, if it exists, is used mainly by the boat's skipper to report to the boat's owner on the status of the catch and the boat's need for ice, fuel or spares. Fishworkers have no opportunity to relay messages to their families or vice versa.

Action to lessen the stress and tension of families of fishworkers who are arrested or disappear (**safety** in the next section) could include efforts to improve communication. Knowing where a boat has been arrested, what has happened to the crew and what steps are being taken to secure their release all lessen the uncertainty that families of arrested or missing fishworkers feel. UFFC has intervened on several occasions over the last six months, facilitating the exchange of information and even arranging telephone conversations between families and arrested fishworkers. More effort could be made to institutional information sharing and channels of contact between government and non-government organisations and in so doing work to reassure fishworkers and their families.

design and safety

Recommendation No. 5

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32ft (9.68m), propelled by inboard engine(s), are required by Law to comply with design specifications and safety regulations, as set out by a relevant authority or as amendments to the Fisheries and Aquatic Resources Act, No 2 of 1996, and that these will be independently inspected and verifiable. Failure to meet designated specifications or safety regulations would result in the withdrawal of a boat's licence to fish under the Fisheries and Aquatic Resources Act, No 2 of 1996, Part II section 10a and 10b. Re-application for verification would be prohibited within one month of the most recent rejection'.

Much of the technical information contained in this section has been culled from a report researched and written by Oeyvind Gulbrandsen⁷. Sri Lanka's multi-day fleet ranges in size from 10 m to 18 m (34ft – 60ft). The older boats tend to be smaller. The current market is for boats in the range of 40ft to 48ft, according to boatyard owners in Negombo. The majority of the multi-day boats can be traced to one or other of the two main boatyards in Sri Lanka, Neil Marine in Negombo and Blue Star Marine at Hendala, just north of Colombo. Five independent small boatyards also manufacture multi-day boat in Negombo. Multi-day boats are also under construction in boatyards to the south of Kalutara and to the north of Beruwala.

Neil Marine's boat designs are drawn up by a David Freeman, a Naval Architect based in UK (see Box One overleaf). Modifications and the designs by the smaller boatyards have been copied from these originals, its Manager claim. Gulbrandsen's assessment of the design of some of Sri Lanka's multi-day boats is far from flattering. He observes that 'new boats have an extreme barge-like shape' thought to be a response to Negombo Harbour's shallow entrance (1.5 – 1.8 m) and the boat owners desire to maximise fish holding capacity and fuel space for a given length of boat. The use of a typical planing hull designed for speeds of up to 20 knots, in a fishing boat having a speed of 8 knots, is given as another example of boatyard staff having insufficient knowledge about basic boat design.

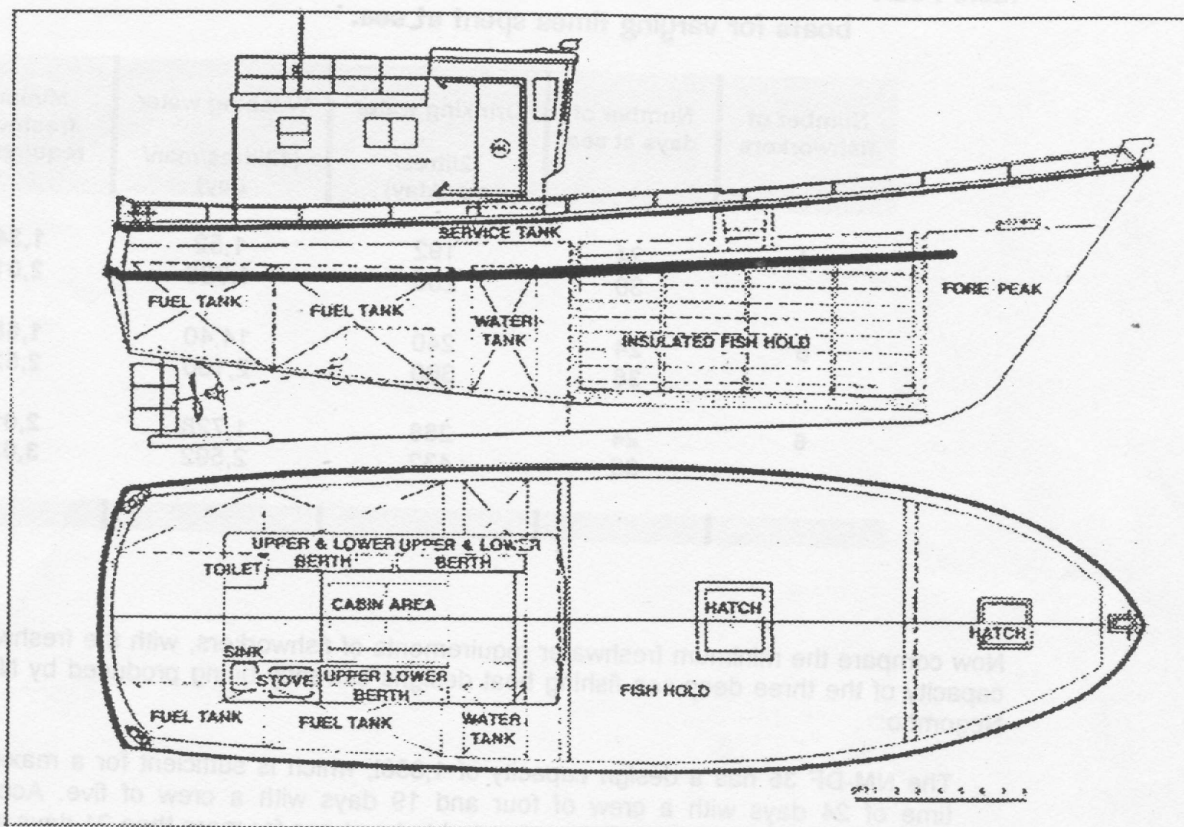
Neil Marine and Blue Star Marine build their multi-boats using permanent moulds. Two of the smaller boatyards use a hybrid wood / FRP construction that Gulbrandsen considers unlikely to be approved by any classification society such as Lloyds for technical reasons related to the strength of the hull. Multi-day boats built by Neil Marine do not meet international standards, unlike pleasure craft and small fishing boats built by the same yard, but which are destined for foreign markets. Producing multi-day boats to international standard (such as the Lloyd's Register of Shipping) would add another 40% to the cost of a hull, putting boats beyond the reach of would be boat owners, it was said. Sri Lankan deep-sea fishing boats have a life span of approximately ten years.

All boats built under the Government's subsidy scheme have to have had their designs, details of construction and stability calculations approved by the Fisheries Department's Chief Marine Engineer, before construction can commence. Gulbrandsen remains sceptical of the thoroughness with which these regulations for seaworthiness such as Lloyd's scantlings⁸ are applied. The intimation is clearly that some of the multi-day boats operating do not meet recognised safety standards.

⁷ Marine Fisheries Development Tuna Longliners. O. Gulbrandsen, FAO Consultant Naval Architect, FAO Bangkok, 1998.

⁸ These are measurements of all the materials that go into a boat. Such as the thickness of the hull planking (or fibreglass, steel or ferro-cement); the spacing and size of the frames, deck beams. Generally the sizes of all the important bits, including the fastenings (nails bolts rivets etc), that contribute to a safe, strong boat.

Box Three: Design and layout of a deep-sea fishing boat⁹.



The report also raises the question of stability of locally designed boats, noting that current procedures for incline tests did not take account of the worst possible scenario - where a boat returns to port with a poor catch, empty fuel and water tanks and wet nets piled on top of the deck. Clearly defined rules and regulations for the construction and testing of FRP fishing boats are needed, Gulbrandsen concludes.

The Managing Director of one of the two main boatyards in Sri Lanka admitted that none of the deep-sea fishing boats produced in Sri Lanka met international regulations for seaworthiness, such as Lloyd's scantlings. This, necessary it was said in order to keep production costs as low as possible.

A reference to the prevalence of skin disease was made in the proceeding section dealing with health issues raised by deep-sea fishworkers. Fishworkers claimed that the cause of this problem resulted from deep-sea fishing boats spending too much time at sea. A working assumption in the design of fishing boats is that a fishworker requires a minimum of 12 litres of freshwater for washing purposes per day and a further two litres per day for consumption. In the table below we have set out some simple calculations based on these figures and the number of days a boat stays at sea.

⁹ Reproduction of the design and layout for Neil Marine's Nm-DF 48.

Table Four. Calculation of minimum freshwater requirement for deep-sea fishing boats for varying times spent at sea.

Number of fishworkers	Number of days at sea	Drinking water (2litres/ man/day)	Washing water (12litres/man/ day)	Minimum freshwater requirement
4	24	192	1,52	1,344
	36	288	1,728	2,016
5	24	240	14,40	1,680
	36	360	2,160	2,520
6	24	288	1,728	2,016
	36	432	2,592	3,024

Now compare the minimum freshwater requirements of fishworkers, with the freshwater carrying capacity of the three deep-sea fishing boat designs currently being produced by Neil Marine, in Negombo:

The **NM-DF 35** has a design capacity of 1,350l, which is sufficient for a maximum sea time of 24 days with a crew of four and 19 days with a crew of five. According to fishworkers, a 35ft boat would be expected to be at sea for more than 21 days and would most probably carry a crew of five.

The **NM-DF 40** has a design capacity of 1,800l, which is sufficient for a maximum sea time of 25 days with a crew of five. According to fishworkers a 40ft boat would be expected to be at sea for more than 30 days.

The **NM-DF 48** has a design capacity of 2,250l, which is sufficient for a maximum sea time of 32 days with a crew of five and 26 days with a crew of six. According to fishworkers a 48ft boat would be expected to be at sea for more than 35 days.

This simple analysis supports the fishworker's testimonies that deep-sea fishing boats are being used to fish beyond their design capacity. The calculations above are based on estimates of fishworkers' *minimum* need for freshwater. It appears that Sri Lanka's deep-sea fishworkers are working without access to adequate supplies of freshwater for drinking and washing, a basic health facility.

Three issues were highlighted in discussions focused on factors affecting general safety at sea. These were engine failure, bad weather and currents, and conflicts or arrest whilst fishing.

Several makes of engines are used to propel deep-sea fishing boats including Yanmar, Ashok Leyland, Volvo Penta and Yamaha. Engines range in capacity from 35 hp to 140 hp. Four to five years ago it had been customary to fit multi-day boats with twin engines, one outcome of which was to increase the safety margin on these boats, as if one engine failed the boat could return to port on its second engine. Due to problems of design and installation, leading to high running costs, boat owners are now choosing single engine installation. Skippers and fishworkers rated engine failure as their primary safety concern. Engines are serviced regularly after each tour and a crew member, usually the skipper, has sufficient knowledge to undertake minor repairs at sea. Engine failure becomes a serious problem the further the boat is from shore. This problem is exacerbated if the boat is not equipped with a SSB radio.

Bad weather and storms, although representing a significant threat to safety were seen equally as part and parcel of the job of deep-sea fishing by many fishworkers. The lack of seasonality in deep-sea fishing, with boats setting out to fish throughout the north-west monsoon was, it was argued, a response to fishworkers' and boat owner's need to earn a living. The infrequency with which Sri Lankan deep-sea fishing boats sink is testimony to the fishworkers seamanship and bravery. Water currents were identified as another natural threat to the boat and crew's well being. Nets entangled in spiralling currents can threaten to drag the boat underwater, if the crew do not respond swiftly by cutting the boat free.

The final issue repeatedly raised in discussions of safety at sea was that of the threat of capture, of arrest or conflict at sea. In Negombo and Beruwala the focus was upon the arrest and detention of boats and their crew, mostly in India and the Maldives, on charges of illegal fishing. A little more than half the skippers and fishworkers UFFC interviewed claimed that Sri Lankan boats were not illegally fishing at the time of arrest, but were arrested as they traveled through Indian and Maldivian waters, to fish in International waters. Others freely admitted that the best fishing grounds were around Male and off the Lakshwadeep Islands and that they visited them regularly.

Almost every month five to ten Sri Lankan deep-sea fishing boats are arrested and detained for alleged illegal fishing. Fishworkers are detained for periods ranging from four weeks to over 12 months, depending on the charges levied against the boat, by the authorities. Figures from DOFARD for the five years spanning 1993-97 indicate that more than 1,300 Sri Lankan deep-sea fishing boats were arrested by neighbouring countries on charges of alleged illegal fishing (see Table Five).

✓ Table Five. Boats and fishermen arrested between '93 and '97¹⁰

Year	Deep-sea boats	Fishworkers arrested
'93	65	320
'94	46	232
'95	47	228
'96	55	278
'97	56	280
	269	1,338

Whether they are truly traveling to international waters or illegally fishing in neighbouring countries' waters, the root cause is the same: Sri Lanka's EEZ has insufficient fisheries resources to support its ever-growing deep-sea fishing fleet. Fishworkers are well aware of this, boat owners too understand this, even Government scientist acknowledge this to be true (see **Part Three**).

On May 13th 1999 MOFARD announced that it had negotiated an agreement with the Maldivian Government which allows Sri Lankan boats to pass through Maldivian territorial waters on their way to international waters. Sri Lankan boats wishing to travel through the Maldives' EEZ must notify the Maldivian authorities forty-eight hours prior to their arrival at the maritime border. This intervention by MOFARD is a progressive a step in the right direction, but it is unlikely to negate the continuing arrest of Sri Lankan deep-sea fishing boats, which are engaged in illegal fishing.

On the south coast the arrest and detention of boats and fishworkers overseas is also becoming an increasingly important issue. Here the issue is the capture of more than eighty fishworkers and twenty southern based deep-sea boats, off the east coast, allegedly by the LTTE (see **Table Six**). Although the families of these missing fishworkers and the boat's owners have made strenuous attempts to discover what has become of the boats and crew, still it is unknown whether these fishworkers are dead or alive.

✓ A growing conflict between Sri Lanka boats and larger Taiwanese fishing boats off the southern coast, is creating yet another threat to the safety of deep-sea fishworkers. Taiwanese fishing boats are accused by southern fishworkers of ramming local boats and cutting nets and lines in the waters off Sri Lanka's southern coast.

¹⁰ Source, MOFARD Statistic Division.

Table Six. Boats and fishworkers missing from Dewinuwara

	Boat	Status
1	Deshan Putha	4 Missing from Trincomalee, 27.04.97
2	Rumesh Putha	5 Missing from Trincomalee, 27.04.97
3	Rani Putha	Missing, 11.10.98
4	Marrion	Missing, ?
5	Tharangi No. 79	4 missing from Trincomalee, 01.03.99
6	Juggaya	4 missing from Dewinuwara, 08.04.97
7	Samaya	4 missing from Trincomalee, 24.02.99
8	Redson	8 missing from Trincomalee, 03.04.91
9	Dulaj Putha	5 missing from Trincomalee, 18.02.99
10	Name unknown	4? Missing from Trincomalee, 08.01.93
11	Sujith	4? Missing from Trincomalee, 17.02.99
12	Chan Putha	4 missing from Trincomalee, 24.09.98
13	Deepa 3	Missing. Mullativu? 27.02.99
14	Madumala	Missing. 06.04.96
15	Titus 2	5 Missing. Mullativu, 07.03.99
16	Asanka Putha	5 Missing. Mullativu, February '98
17	Madhu Kumari	4 Missing. 16.03.98
18	Lakmali Duwa	4 Missing. 03.12.97

comment

All boats built under the Government subsidy scheme are required to have had their designs, details of construction and stability calculations approved by DOFARD's Chief Marine Engineer, before construction can commence. The problem, according to fishworkers, is that boat owners and boatyards can get approval for their designs without presenting detailed plans or undergoing a thorough examination, through the use of bribes. It is not easy to see how this institutionalised situation can be altered, except through increased pressure from both within the Government's own Department and from outside organisations such as fishermen's organisations and trade unions. The right to call for an investigation of a deep-sea boat's seaworthiness, by an independent marine engineer, in cases where fishworkers feel that their lives are endangered was proposed by fishworkers and forms the basis of Recommendation No. 5.

Tightening of the regulations governing the design of locally built deep-sea boats is clearly required. The ILO's Convention on Accommodation of Crews (Fishermen) 1966 (No. 126) suggest the adoption of relevant guidelines in the case where fishing vessels remain away from port for more than 36 hrs at a time. For the most part the guidelines set out in this convention apply to boats of over 75 tons, but relevant sections could be applied on a discretionary basis to Sri Lanka's deep-sea fishing boats. In particular the Convention focuses on the provision of adequate security, accommodation, sleeping quarters and sanitary facilities for fishermen onboard the fishing vessel.

Certification of larger deep-sea going vessels with respect to some of the recommendations in the Conventions should be considered. For example Article 12.1, which stipulates that sufficient sanitary facilities including freshwater showers shall be provided by all vessels, would improve the working conditions of fishworkers on board deep-sea fishing vessels. Article 12, section 3 states that 'the competent authority, in consultation with fishing vessel owners' and fishermen's organisations where such exist, may fix the minimum amount of freshwater which shall be supplied per man per day'. This convention also recommends that drinking water and washing water be maintained separately. Both recommendations are worthy of consideration for adoption in Sri Lanka's deep-sea sector.

Deep-sea fishing is by its nature a high-risk activity. In the Sri Lankan context, some of these risks are exacerbated by inadequate on board communications and navigation equipment and by poor networking and information sharing between relevant authorities and organisations on shore, as is the case in the event of the capture, arrest and detention of fishworkers. Whilst efforts are being made to improve safety, a major review of attitudes towards the sector is necessary, if real changes are to be made.

Recommendation No. 6

Requests that an amendment to the Fisheries and Aquatic Resources Act, No 2 of 1996 be made such that all fishing vessels with a hull length equal to or greater than 32ft (9.68m), propelled by inboard engine(s), are required by law to hold a valid insurance policy. This policy should cover damage to the boat and gear (including loss of gear) whilst at sea and specify the compensation payable to crew members for injuries incurred whilst engaged in fishing and to the family of a crew member in the case his death at sea'.

Boat owners in Devinuwara and Beruwala are, according to UFFC's research data, more likely to have insured their boats with accredited national insurance companies (i.e., National Insurance Corporation and the Sri Lanka Insurance Corporation Ltd.) than are boat owners from Negombo. Boats that are insured are insured against damage, loss at sea, loss of gear, engine repair and theft of electronic equipment. In all three ports there are deep-sea boats which are operating without insurance. Several Negombo boat owners explained their dismissive attitude towards insurance companies by explaining that while the

companies were happy to take the insurance premium, they were unwilling to pay compensation in the event of an accident or damage to the boat or its engine. As an example it was alleged that an insurer's agent coming to assess a claim for engine repairs, will measure the net's mesh size and finding it to be less than that stipulated in the insurance agreement, will immediately invalidate the claim. Boat owners claimed that it is well accepted that net mesh size decreases as the net ages, due to constant soaking and drying.

This was just one of several examples given. Many boat owners bemoaned their inability to extract compensation from insurance companies for loss of nets. A boat owner in Beruwala discontinued his insurance policy after one of his boats was released from detention in India and the company offered to reimburse only Rs 100,000 of the Rs 500,000 repair bill. The need for or value of an insurance policy was far from obvious to many of the boat owners that we interviewed.

According to representatives from the Sri Lanka Insurance Corporation Ltd. and the National Insurance Corporation, both companies face the problem of verifying claims made by boat owners holding valid insurance policies for their deep-sea fishing boats. A particular problem is associated with the loss of nets, as if the insurance officers are unable to judge a claim's authenticity, the claim goes unpaid. Conversely if the companies were to accept all the claims lodged by boat owners for lost nets, the companies themselves would face considerable losses. The insurance companies also have to face a similar problem with respect to boats that have been captured by the LTTE off the east coast and are being reported as 'missing' by the owners. Once again verification is a problem which can delay or prevent payments even for genuine claimants.

personal liability

The gap that exists between boat owners and fishworkers was most exposed when we discussed personal liability; who is responsible to pay compensation to a fishworker or his family in the event of an accident at sea leading to injury or loss of life? If a fishworker is ill and can not go to sea, who bears the cost? If a boat is arrested at sea and the crew is imprisoned, who pays the bills at home? To a man, boat owners were categorical in asserting that boat owners were not required to pay compensation to fishworkers who are injured or die at sea. Nor did they believe they were liable to provide subsistence allowances to the families of arrested fishworkers, or to the fishworker who is taken ill and can not fish.

The response of skippers and full time fishworkers to the same line of questioning produced two schools of thought. Many fishworkers and some skippers held virtually the opposite opinion to those of the boat owners. These individuals argued that the boat owner, as their employer, was responsible for their welfare in the event of injury, sickness, disability, arrest overseas and loss of life whilst they engaged in fishing on his / her boat. In any such circumstances it was the boat owner's duty to pay compensation, they argued.

Others were less optimistic. Although they agreed that the boat owner should be liable, in such circumstances, to pay compensation, they pointed out that boat owners are under no legal obligation to do so. From their own experiences they were in little doubt that boat owners would make little attempt to pay compensation in the event that they are injured or arrested whilst fishing.

A small number of skippers and full-time fishworkers had taken out personal insurance, with insurance companies such as CTC Eagle and Ceylinco Insurance Company Ltd. Others said that even if they had enough money to pay the premium, they often found it difficult to pay 'on time' because of their irregular working hours. In response to the question of who is responsible for their well being, these individuals often replied that no one was responsible. Part time fishworkers were equally realistic, admitting that they had no personal insurance cover and that in the event of their being injured or suffering a fatal accident whilst fishing, no compensation would be paid to them.

comment

Recommendation No. 6, is based upon the acceptance of deep-sea fishing boats as 'floating work places employing a wage earning work force'. Small workshops and factories are required to hold valid insurance policies against fire, theft, damage etc and deep-sea fishing boats represent comparable working environments and should be subject to the same regulations and requirements.

Existing policies to insure deep-sea fishing boats are sufficient to ensure adequate cover for the boat, in the event of an accident at sea. The assertion made by many boat owners that holding a valid insurance policy was in reality of little value, as they are unable to claim for loss of nets or damage to their boats, does not invalidate the need for insurance cover. Instead it suggests that boat owners should consider taking steps to enable any claims they make, to be more easily verified. Insurance agents suggested that boat owners maintain a logbook for their boat, as one of the main factors contributing to the problem of verification, is the lack of any documentation in support of the claim for damages to their boat or loss of gear.. The logbook should describe each fishing trip, its location, journey time, catch etc., and including the dates on which new nets were purchased and record repair and maintenance to engines, it was suggested.

Making it a statutory requirement for all deep-sea boats to have a valid insurance policy would contribute significantly to changing the attitudes of individuals engaged in deep-sea fishing. Deep-sea fishing is currently viewed as just another sub component of the fisheries sector, whereas its development has created significant changes in the patterns of ownership and the relations of labour, comparable with what would normally be called an industrial sector.

The second half of Recommendation No. 6 relates to the liability of boat owners with respect to their employees. If the contention of a deep-sea fishing boat as 'a floating work place', with a clear distinction between the employer and the employees is accepted, the principle of the boat owner's liability for the welfare of the crew, whilst they are under his or her employment, is unavoidable.

If the premise were accepted it would still remain to define the limits of the boat owner's liability. Compensation following an accident at sea, or sustaining injury or death whilst fishing, would seem automatic inclusions. Existing insurance policies for deep-sea fishing boats already include the provision to pay compensation to any named person of the crew. Under Section III of the Sri Lanka Insurance Corporation LTD's Fishing Boat Insurance Policy, the following personal accidents are covered; compensation payable to the injured fishermen for a premium of Rs 40 per fishermen per year is shown for each case.

Table Seven. Accidents covered and compensation payable under Section III of the Sri Lanka Insurance Corporation LTD's Fishing Boat Insurance Policy

Type of accident	Compensation Premium, Rs 40 per fishermen per year
Death (including due to starvation as a result of the boat being carried away or lost due to rough seas)	Rs 25,000
Total and permanent loss of sight in both eyes	Rs 25,000
Total loss by severance of both hands or both feet or of one hand and one foot	Rs 25,000
Total loss by severance of one hand or one foot, together with the total and permanent loss of sight in one eye	Rs 25,000
Total loss by physical severance of one hand or one foot or total and permanent loss of all sight in one eye	Rs 12,500
Permanent loss of hearing in both ears	Rs 12,500
Loss of one thumb	Rs 5,000
Loss of any other finger	Rs 1,670
Loss of all toes on one foot	Rs 3,340
Hospitalization in Government hospital consequent to an event, payable only if hospitalization exceeds 24 hrs at any one time	Rs 50 per day up to 26 weeks

The policy offers the policyholder the option of doubling the compensation payments, by doubling the premium. An annual premium of Rs 1,000 per fisherman per annum would ensure a payment of Rs 625,000 to the family of a fisherman who died at sea. If steps are taken to legally require boat owners to insure their vessels and the boat's crew, a minimum limit for compensation payable to an employee should be defined within any such legislation.

A statutory requirement for all deep-sea fishing boats to hold valid insurance policies, including personal accident insurance for the boat's crew, would not preclude fishworkers taking out their own insurance policies. The Government run Fisheries Pension Scheme, also contains a provision for compensation payments to be made to the fishermen (in case of serious injury) or the fishermen's family (in case of death). The compensation payments that are made, depend on the amount of contributions paid into the fund by the fishermen prior to the accident / death. However as noted above few fishworkers had their own insurance policies, protecting their family's futures in the event that they are injured or die at sea.

Liability for relief payments to the families of arrested or detained fishworkers is a more contentious issue. The Department of Fisheries, the Ministry, the boat owners and the fishworkers themselves were all identified as being 'responsible' for providing assistance to the families of arrested fishworkers. Earlier the Department of Fisheries had provision to make relief payments to the families of arrested fishworkers. This scheme has now been withdrawn. At the present time most boat owners offer only token assistance to arrested fishworkers families and the families themselves have no other means of support. The question of liability in the case of supporting the families of arrested fishworkers remains unresolved, creating hardship for those families of those whose husbands and sons are being held overseas.

part three

The development of deep-sea fishing in Sri Lanka and a brief description of the fisheries resource

In the space of forty years, maritime fishing in Sri Lanka has undergone a rapid transformation. In 1958, Sri Lankan fishermen fished from traditional out rigger canoes and log, powered by oar or sail. They used cotton drift nets to catch fish within 2 – 3 km of the shore. Larger canoes sailed up to 5 kms off shore, using drift nets and hand lines to target large pelagic fish. Along the southern and southwestern coast, fishermen employed vast beach seines to catch small pelagics such as anchovy, sardines and herring, as well as migrating shoals of small tuna.

From 1958 onwards, a series of technological innovations steadily changed the nature of the fishery. Synthetic fibres replaced cotton threads. The new nets were more effective at catching fish. The lighter weight of the synthetic nets enabled fishermen to carry more nets, increasing their catching capability. Unlike the cotton nets, the new nets did not need to be dried in the sun after fishing, enabling fishermen to decrease the interval between trips. Motorization of traditional fishing vessels opened up new fishing grounds for Sri Lankan fishermen. Irrespective of the wind direction or water currents, fishermen with motorised boats could intercept shoals of migrating fish or literally chase them along the coast. Traditional boats with engines, particularly the larger vallams, began to fish further off shore.

Boat technology changed too. The introduction of fibre reinforced plastic (FRP) technology transformed the near shore, small boat fishery. Traditional boats began to be replaced by 5.5 m (17 1/2 ft) and 7.5 m open top boats, designed to carry out-board motors and to be launched from the beach. In the mid 1970's, under the Abu Dhabi Funds Northwest Coast Fishery Development Project, 8.5 m (28 ft) wooden hulled, inboard powered deck boats were introduced, equipped with large mesh drift nets. These boats enabled fishermen to safely fish 5 km to 25 km off shore, exploiting hitherto unfished resources, during over night or one day fishing trips. Two Asian Development Bank (ADB) assisted fisheries projects introduced 11 m (34 ft) and 12.3 m (40ft) deck boats at around the same time.

By the early 1980's, in little over a quarter of a decade, the fishery in Sri Lanka had metamorphosed from being local, near shore, traditional and largely unstratified, to one in which a range of fishing craft and shore based fishermen, using several different types of gears were targeting local and distant fish resources. The vibrancy associated with these innovations and the relative abundance of fish sustained the annual expansion of the fishery during this period.

In 1985, financed by a bilateral loan scheme with the Abu Dhabi Government, 10.4 m (34 ft) FRP deck boats were introduced into the Sri Lankan fishery, under the guidance of the Government's Department of Fisheries. These boats were designed to use large mesh drift nets and shark long lines beyond 25 kms, but within Sri Lanka's 200 nm Exclusive Economic Zone (see map Box Two). These were the first multi-day fishing boats to operate in Sri Lankan waters. Their early successes in exploiting Sri Lanka's deep-sea fish resources (mostly tuna, sharks and sail fins) encouraged the construction of further multi-day boats. Newer boats were built to stay at sea longer. The need for greater fish holding capacity resulted in local boatyards producing increasingly larger multi-day boats.

Sometime in the early 1990's, Sri Lankan multi-day fishing boats began to venture outside Sri Lanka's EEZ. First to fish in neighbouring Indian, Maldivian and British Indian Ocean Territorial waters and then in international waters to the north-east (Bay of Bengal) and north-west (Arabian Sea). The continuing pressure to stay at sea for longer periods and to travel further in search of fish is reflected in the continuing increase in the length of multi-day boats. Local boatyards are now capable of producing boats up to 60 ft in length, capable of staying at sea for over two months.

Government financial assistance to multi-day boat owners, in the form of cash subsidies, has been continuous throughout the development of the deep-sea fishing sector. Past Government subsidies to individuals desiring to own a multi-day boat covered approximately 20% of the cost or buying and equipping a boat. Loan facilities to cover the remainder, were available from the Government sponsored National Finance Credit Corporation and National Development Bank (NDB) as well as the commercial banks. According to one boatyard manager, the poor recovery rate of loans given through National Development Trust Fund and NDB convinced them to withdraw their support to the sector.

The Government's current policy to only subsidise boats of more than 40 ft and the withdrawal of Government sponsored loan facilities is making it increasingly harder for individuals to buy smaller multi-day boats. From a peak of over 60 boats a year, one boatyard in Negombo has seen the demand for smaller multi-day boats fall by more than half. The part played by subsidy in developing and sustaining the deep-sea fishery is evident from the boatyard's present order books. Of the 10 boats currently on order, all are in receipt of Government subsidy, which currently amounts to Rs 950,000 out of a total cost of around Rs 4.9 million.

The deep-sea fishery is currently composed of anywhere between 1,500 boats (see Table Four) and 1,700¹¹ vessels. Multi-day boats make up around 7% of Sri Lanka's fishing fleet according to DOFARD's census of marine fishing craft, August 1998.

Government policy remains committed to the development and expansion of Sri Lanka's deep-sea fishing capability. There are at least two or more reasons for its position. First the deep-sea fishing sector has been and still is promoted as a limitless opportunity for employment in the fisheries sector. The over exploitation of fish resources in the near shore fishery is tacitly acknowledged to have reached serious proportions. Deep-sea fishing is viewed by many as a way of relieving pressure on inshore fish stocking, and on growing under employment, by employing fishermen on multi-day boats.

¹¹ Report on the off shore pelagic fishery resources survey 1995 - 1997. National Aquatic Research Agency. 1998.

Table eight. Numbers of multi-day boats at nine regional fishing centres (figures taken from the National Fisheries Development Plan 1995 -2000)

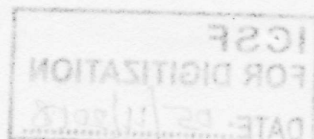
Coastal area	Multi-day boats
Tangalle	227
Matara	455
Galle	137
Kalutara	208
Colombo	24
Negombo	169
Chilaw	234
Batticaloa	8
Trincomalee	81
Total	1,543

Secondly, the momentum built up by the unrestrained development of the sector is in itself hard to slow down. Businesses, boatyards, boat owners and fishworkers already in the sector have a vested interest in its continued promotion. The recent development of harbour facilities around the country, by the Government funded Ceylon Fisheries Harbour Corporation, continues to raise the expectations of the fishing and business communities. For the Government to actively intervene and set limits on the number of boats has become increasingly difficult. In coastal constituencies no politician is going to want to be seen to be the one introducing such restrictions, even though this is exactly what needs to be done.

the resource

The most recent survey of Sri Lanka's offshore fish resources, conducted by the National Aquatic Research Agency (NARA), in collaboration with the Consultants MacAllistair Elliot and Partners and funded by the Asian Development Bank included the following in its list of recommendations:

- *No further encouragement (e.g. subsidies) for the construction of offshore gillnet vessels. This is consistent with the findings that the fishery has already achieved maximum economic profit. It also recognises the need for a precautionary approach. It does not intend to preclude the use of subsidies targeted at encouraging the use of improved fish storage facilities on vessels.*
- *Declare an intention to prevent any further substantial increase in the number of gillnet vessels. It is unclear whether a proportion of the gillnet vessels will be re-deployed as tuna long liners. In this event the gill net fleet may not exceed further (in the short term). Ultimately, active measures (e.g., licence limitation) will be necessary.*



Most of this section is taken from the findings presented in the NARA Report¹². The conclusions in the study were based on analyses of fishing surveys conducted by three vessels ranging in size from 11.9 m (39 ft) to 16.2 m (53 ft), over a period of two years from 1995. The boats fished for a combined total of 1,032 days using alternately 2.5 km of large mesh gillnet and 21 km of tuna longline with 300 hooks. The boats averaged 209 kg of fish per day using gillnets and 158 kg per day using longlines. The average size of fish caught using gillnets was 4.7 kg compared to 33 kg using longlines. Skipjack tuna dominated the catch caught using gill net (66% by weight), with Yellowfin tuna making up a further 10%. Sharks dominated the catch taken using tuna longlines (33%), indicating that this gear is misnamed. Bigeye tuna made up 22% of the catch from longlining, Yellowfin (16%), swordfish (16%) and marlin (10%) contributed significantly to the catch from the research project's boats.

The data collected during the study indicated that there was little difference in abundance, species composition or fish size between the western, southern and eastern study areas, indicating a generally uniform distribution of fish in 454,050 km of Sri Lanka's EEZ.

11,000t
Data collected from commercial vessels during the same study estimated the total annual catch to be 55,000 t, mostly from gillnets. The estimated catching rates were 192 kg / fishing day from gillnets and 8.5 kg / day from shark longlines. No indication is given in these figures of what proportion of this catch came from outside Sri Lankan waters. Perhaps as much as 20% could probably originated outside of Sri Lankan waters (see Tables Two and Three). Although the results of mathematical analyses indicated that the overall catch from gill net fishery could be increased by several thousand metric tonnes, this increase would result in a decline in catch rates per boat, it was concluded. Back calculations estimated that the catch per unit effort had declined by as much as 25% since the commencement of the fishery.

In its financial analysis of the fishery, the report concludes that current internal rates of return on investment and net present value of investment over a ten-year period are indicative of poor financial performance. Only if future expansion rates within the fishery could be kept below 2% (35 boats per year) could individual boat owners expect to get a return on their investment above the 14.5% presently available from investing in a fixed interest commercial loan. Each additional vessel added to the fishery, above this rate, would result in reduced economic profit, as the additional fishery costs would be more than the increase in gross revenue. More boats would increase employment, creating job opportunities for underemployed fishermen. But the additional income gained by these new deep-sea fishworkers would be at the expense of those already participating in the fishery – fishworkers and boat owners alike.

The NARA study was thorough in its execution and is explicit in its analysis of the conditions prevailing in Sri Lanka's deep-sea fishery. Its conclusions are equally and admirably clear. The report slightly misrepresents the fishery by its failure to account for the contribution to the 'national' catch made by boats fishing outside of Sri Lanka's EEZ and the incentive this provides to continue to 'develop' the fishery. These considerations though, probably fell outside the project's original remit; pencilling them in only adds to the gloomy overall picture painted by the report. Sadly, little attention appears to have been taken of the reports conclusions by those responsible for managing Sri Lanka's deep-sea fishery.

¹² Report on offshore large pelagic fish resources survey 1995 – 1997. NARA, Colombo, Sri Lanka, 1998.