

Institution Building for Devolution: Paper 4

Fisheries

K. Thayaparan



International Centre for Ethnic Studies

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Fisheries

FISHERIES

K. Thayaparan

**Project on
Institution Building: Administrative
Arrangements for Implementing Devolution**



International Centre for Ethnic Studies

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Contents

<i>Figures</i>	<i>vii</i>
<i>List of Abbreviations</i>	<i>viii</i>
1. Scope of Study	1
2. MOFARD - Structure and Organisation	2
3. MOFARD - Objectives, Subjects and Functions	9
4. Devolution of Powers and Functions to the Provincial Councils under the 13th Amendment to the Constitution	11
5. Devolution of Power under the Draft Constitutional Provisions	15
6. Assignment of Subjects and Functions to the proposed Regional Councils	17
7. Proposed Organizational Structure	21
8. Linkages, Coordination and Regional Cooperation	28
9. Checklist for Proposed Regional Councils	29

Figures

1. Present Organisational Structure of MOFARD
2. Present Organisational Structure of DOFAR
3. Proposed Organisational Structure of MOFARD
4. Proposed Organisational Chart for DOFAR
5. Proposed Regional and District Organisational Charts

List of Abbreviations

MOFARD	Ministry of Fisheries and Aquatic Resources Development
DOFAR	Department of Fisheries and Aquatic Resources
NARA	National Aquatic Resources Research and Development Agency
CFC	Ceylon Fisheries Corporation
CFHC	Ceylon Fishery Harbours Corporation
CCD	Coast Conservation Department
NIFT	National Institute of Fisheries Training
MCS	Monitoring Control and Surveillance Division
AQD	Aquaculture Division
EDD	Export Development Division
PDD	Planning and Development Division
PERC	Public Enterprises Reforms Commission
ADB	Asian Development Bank
PC	Provincial Council
RC	Regional Council
NEPC	North - East Provincial Council
NCPC	North - Central Provincial Council
NWPC	North - Western Provincial Council
SPC	Southern Provincial Council
DFEO	District Fisheries Extension Officer
DFI	District Fisheries Inspector
FI	Fisheries Inspector
MEA	Marine Engineering Assistant

Fisheries

1.0 Scope of Study

My assignment is to undertake a study on the following subject:

"Fisheries - Organizational structure and other aspects, excluding fishing beyond territorial waters and migratory fishing rights".

From this it is understood that the subjects to be retained by the Centre will be carried out by another person. It was on this basis that I commenced my study. But as I proceeded further, I have come to realize that as far as Organizational Structures are concerned the efforts cannot be separated. As such the structures proposed by me takes the total picture into consideration.

2.0 The Ministry of Fisheries and Aquatic Resources Development

2.1 Structure and Organization

The MOFARD which was established in 1970 as a separate Ministry is the Government's principal administrative and policy-making organization for fisheries with responsibilities for providing the basic infrastructure and services to support the fishing industry.

When the Ministry was first set up it functioned with two Divisions, namely, the Planning and Programming Division and the Development Division. The regulatory and management aspects, including fisheries research, continued to function under the Department of Fisheries. In 1979 the "Integrated Ministry" concept was introduced and the Department of Fisheries became a Division of the Ministry. There were in fact 08 Divisions in all at that time and they were called: Marine; Inland Fisheries; Planning and Programming; Research; Development; Training and Education; Welfare; and Administration and Finance.

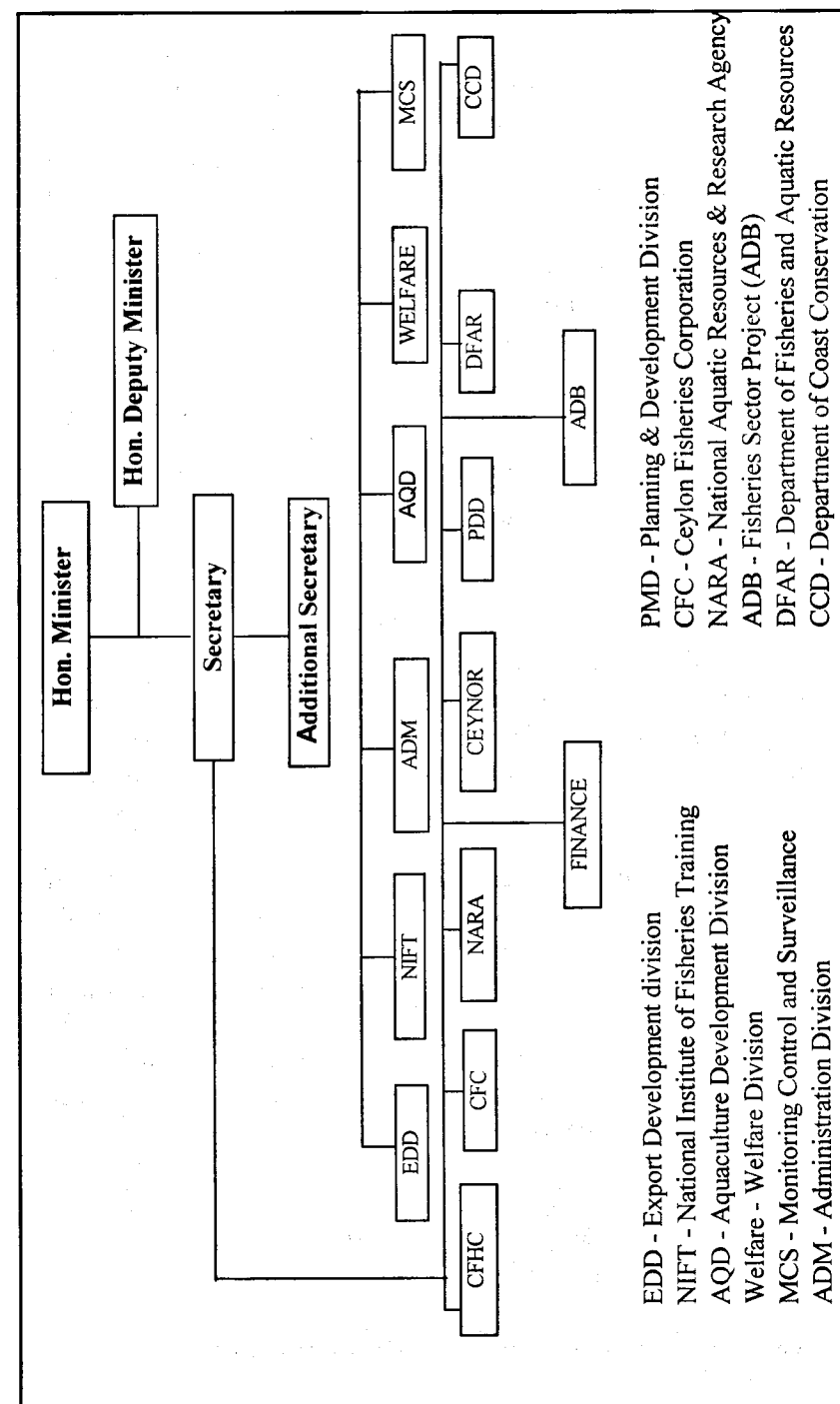
The Department of Marine Fisheries was re - established in March 1991 and, thereafter, the Ministry functioned with 06 Divisions. At present, there are 02 Departments, 09 Divisions and 04 Statutory Bodies under MOFARD. (Figure I)

The following are the public sector institutions currently under MOFARD:

1. The Department of Fisheries and Aquatic Resources

The DOFAR is the largest of MOFARD's functional organisations with an approved cadre of 658 (out of a total of 1300). It is also the Ministry's main arm for providing extension and welfare services to the fishing communities. It has a broad mandate to manage and regulate the country's coastal and off - shore fisheries resources.

Figure - 1: Present Organizational Structure of the Ministry of Fisheries & Aquatic Resources Development



The Department is specifically charged with the administration and enforcement of the Fisheries Ordinance; provision of subsidies for purchase of boats and fishing gear; institutional credit facilities for purchase of capital items, welfare facilities for those engaged in the fishing industry; management of the Fisheries Pension Scheme; establishment and maintenance of Fisheries Co-operative Societies to improve the living conditions of fisher folk; and the implementation of fisheries development projects.

The organisational chart of the DOFAR is given in Figure II

2. The Coast Conservation Department

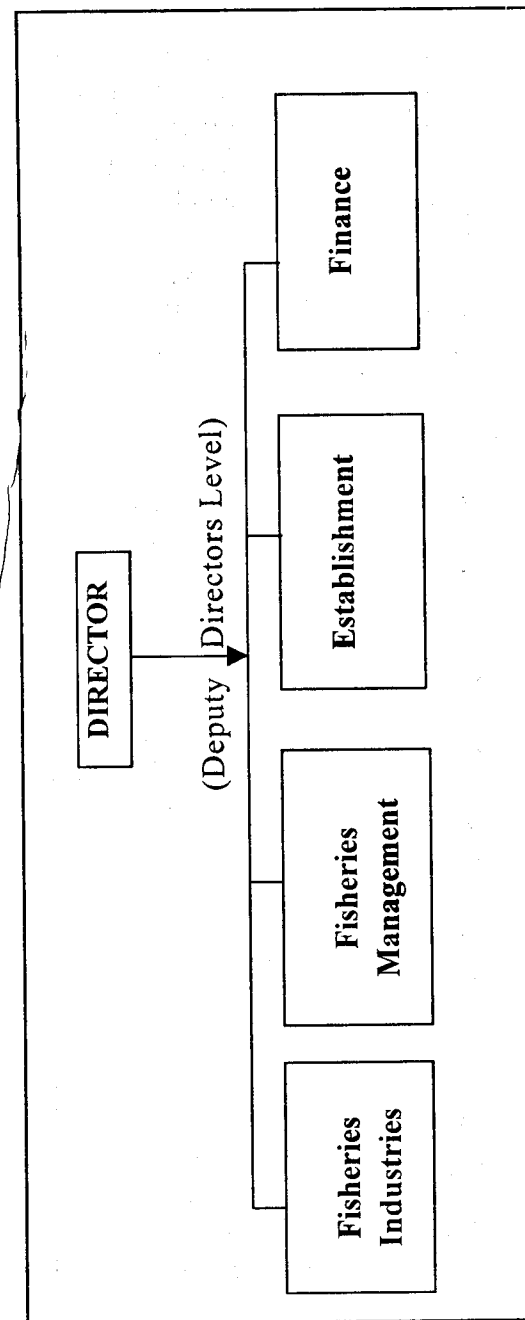
A Coast Protection Unit was set up in the Colombo Port Commission in 1963 and this later developed into a Coast Conservation Division in the Ministry of Fisheries in 1978. It was upgraded as a Department in 1984. In 1989 this Department was attached to the Ministry of Defence and in 1990 to the Ministry of Ports and Shipping. In 1994, the Department was taken back to the Ministry of Fisheries and Aquatic Resources Development.

The activities of the Coast Conservation Dept., is guided by the Coast Conservation Act, No.57 of 1981 and the Amendment Act, No.64 of 1988. The main responsibilities of the Department are the administration and implementation of the provisions of the Coast Conservation Act, formulation and execution of schemes of work for coast conservation within the Coastal Zone, and the conduct of research in coast conservation, in collaboration with other Departments and Agencies.

3. National Aquatic Resources Research and Development Agency

NARA which was established in 1981 (Act No.54 of 1981) is the principal national institution responsible for research,

Figure II: Present Organizational Structure of the Department of Fisheries & Aquatic Resources



development and management of aquatic resources in this country. The amendment brought about by Act, no.32 of 1996 has further enlarged its mandate to include conservation of aquatic resources, hydrographic surveying and nautical charting. The composition of the Governing Board and the Scientific and Technical Committee has also been changed.

NARA has 10 separate divisions for Marine Biological Resources: Inland Fisheries and Aquaculture, Post-Harvest Technology, National Hydrography, Oceanography, Engineering Technology, Environmental Studies, Fisheries Technology, Socio-Economic Studies and Library and Information.

NARA also operates 4 regional research and training centers at Kalpitiya, Negombo, Weligama and Trincomalee.

4. Ceylon Fisheries Corporation

The CFC was established in October 1964 under the State Industrial Corporations Act no.49 of 1957. At the beginning it had a very wide mandate which included fishing operations (including deep - sea fishing); fish processing; marketing and distribution of fish; Construction and management of shore facilities like fishery harbours and cold rooms; import and export of fish and fish products; import and sale of fishing gear and equipment and construction of fishing craft etc.

In 1972 the management of fisheries harbours was passed over to the Ceylon Fishery Harbours Corporation, (except for the Mutwal Fishery Harbour).

The Corporation still continues to handle the purchase and sale of fish. To facilitate this it operates agencies at Mutwal, Hambantota, Ratnapura, Anuradhapura, Minneriya and Batticaloa. The CFC presently buys fish from foreign vessels (which cannot be exported) and from local fishermen. It also provides commercial cold storage to the private sector, maintains retail outlets/markets and produces and sells ice. It moreover operates regional offices at 11 places, namely in Anuradhapura,

Bandarawela, Batticaloa, Galle, Jaffna, Kandy, Kalpitiya, Kurunegala, Minneriya, Pesalai and Tangalle.

The Corporation has a staff strength of about 480, 230 are in the head office in Colombo and the rest are in the regional offices.

In late 1996 the CFC was subjected to a restructuring exercise by PERC (Public Enterprises Reforms Commission) but acceptable bids from prospective investors were not received and the matter appears to have been temporarily shelved.

5. Ceylon Fishery Harbours Corporation

The CFHC which was established in 1972 is responsible for the construction, operation and management of all fishery harbours and anchorages. In the early stages the Corporation functioned as a non-profit service organization but after 1981 it ventured into commercial and profit-making activities like boat construction, processing of fish, civil engineering, consultancy, contractual work etc.

Due to consistent losses from operations, the Government took a policy decision in mid-1990 that the future role of the CFHC should be to perform purely service-oriented functions geared to only providing basic harbour and anchorage facilities to the fishing industry. Accordingly the CFHC was requested to divest itself of all commercial activities and assets to the private sector. This process of reorientation, including the sale or lease of commercial assets which began in 1990 has still not been completed fully.

The "open gate policy" - of the previous regime has proved disastrous since the facilities are now in a run down condition due to poor maintenance and exposure to the elements.

The downward trend has been arrested after 1994. The ADB is presently providing assistance to the CFHC for implementing a rationalization and cost recovery plan for the management of fisheries harbours.

6. Cey - Nor Foundation Limited

Cey - Nor Development Foundation was set up in 1967 with the assistance of a Norwegian NGO. It was meant to be a non-profit making organization concerned with the development, education and welfare of the fishing community. Its pioneering activities were boat building and repairs in the Jaffna region.

In July 1985 the Company was acquired by the Government under the Business Acquisition Act No.35 of 1971 and has operated thereafter as a Government - Owned Business Undertaking (GOBU). A further change took place in January 1990 when Cey-Nor Foundation Limited was incorporated under the provisions of the Conversion of Government Corporations or GOBU's into Public Limited Liabilities Companies Act No.23 of 1987. All shares of this Company are held by the Treasury.

Cey-Nor which has its Head Office in Colombo now operates a Fish Net Factory at Lunuwila and a Boatyard at Mattakuliya. The Boatyard and Net Factory in Jaffna have been damaged and are not operated at present. Cey-Nor has a total staff strength of 243 officers.

Attempts were made to privatize Cey-Nor in 1994 but no suitable partners or buyers could be found. In July 1996 proposals were invited by PERC for undertaking a major restructuring programme. Here again the offers received from prospective investors were not complete and therefore acceptable to PERC.

3.0 Objectives, Subjects and Functions of MOFARD

The Ministry of Fisheries and Aquatic Resources Development has the following objectives:

1. Increase the production of fish and other aquatic products within sustainable limits.
2. Improve the nutritional status of the population.
3. Generate employment opportunities.
4. Uplift the socio-economic conditions of the fishing communities.
5. Increase foreign exchange earnings.
6. Conserve and manage the coastal environment.
7. Conserve and manage the non-living resources of the sea.

According to Gazette Extraordinary No.832/15 of 19 August 1994 the following subjects and functions have been assigned to MOFARD:

1. Formulation of Programmes and Projects based on national policy in respect of Fisheries and Aquatic Resources and direction of implementation of such Programmes and Projects.
2. Administration of the Fisheries Ordinance and related Ordinances.
3. Fishing Rights.
4. Fisheries Survey and Research.

5. Development and Regulation of the Marine, Brackish-water and Fresh-water Fisheries.
6. Training of fishermen and extension work among fishermen.
7. Provision of subsidies for fishing.
8. Provision and promotion of credit facilities for fishermen.
9. Management and/or operation of State owned fishing craft.
10. Distribution and marketing of fish and fish products.
11. Manufacture, importation and distribution of fishing crafts and fishing gear.
12. Establishment and operation of ice plants, cold rooms, harbours, anchorages and other infrastructure facilities required for the fishing industry.
13. Fishing in and beyond territorial waters.
14. National Aquatic Resources.
15. Coast conservation and protection.

4.0 Devolution of Powers and Functions to Provincial Councils under the 13th Amendment to the Constitution

The Thirteenth Amendment (November 1987) provides for a Provincial Council List (List I) of subjects on which a Provincial Council may make Statutes applicable to the Province for which it is established, a Reserved List (List II) of subjects on which a Provincial Council has no power to make Statutes, and a Concurrent List (List III) of subjects on which Parliament may make laws and a Provincial Council may make Statutes applicable to its Province.

The Provincial Council List does not contain anything on fisheries as on subjects. The Reserved List includes "Fishing and fisheries beyond territorial waters". The Concurrent List includes "Fisheries - other than fishing beyond territorial waters". By proclamation made earlier under Section 2 of the Maritime Zones Law, No.22 of 1976, the limit of the territorial waters has been fixed as 12 miles from the coastline.

Based on subjects and functions assigned to it by Gazette Extraordinary of 30 April 1980, the Ministry of Fisheries has classified these again into activities and areas of work and then proceeded to list them in a schedule showing in each case those to be retained by the Ministry and those to be devolved on the Provincial Councils. This delineation plan prepared in February, 1988 covers the work of all Agencies under the Ministry, including the Coast Conservation Department, National Aquatic Resources Agency and the Ceylon Fisheries Harbours Corporation. Even the staff, vehicles, funds and other assets to be transferred to the Provincial Councils were identified and a time - frame drawn up for their transfer to the Provincial Councils.

In spite of all time provisions, the expected transfer of powers, functions and resources to the Provincial Councils did not take place as envisaged. It is very difficult to get at the real

reasons for it but it appears that after an early initiative the Ministry had had a change of heart due to some unexplained reasons and did not pursue devolution to its logical end.

The Provincial Councils, eight in all, took office in late 1989 or early 1990 and most of them, particularly, the ones with coastal frontages, immediately proceeded to set up separate Ministries and Departments for Fisheries. The North-East Provincial Council established a separate Ministry for Food, Trade and Fisheries and a Department of Fisheries headed by an ex-employee of the Ceylon Fisheries Corporation. The North-Central Province set up a Ministry for Social Welfare, Environment, Women's Affairs, Fisheries, Land and Land Settlement and engaged the services of a retired DFEO as the Provincial Director of Fisheries on a contract basis. The North-Western Province created a separate Ministry for Fisheries, Women's Affairs and Social Welfare and obtained the services of a DFEO, on temporary release from MOFARD, as their Provincial Director of Fisheries. The Southern Province established a separate Ministry for Agriculture, Irrigation, Fisheries and Local Government and appointed as Provincial Director, a DFEO on temporary release from MOFARD. Other Provincial Councils, too, created similar mechanisms for handling fisheries work.

The position as regards subjects on the "Concurrent List" is that both Parliament and Provincial Councils could promulgate laws or Statutes and before that is done appropriate consultations should take place between the two parties. Parliament has already created Standing Order 46 A(3)(a) providing the modalities and the time - schedules for the process of consultations.

The North-Western Provincial Council (NWPC) submitted its Fisheries Statute to the Parliamentary Select Committee some where in late 1991 or early 1992 and this was approved with several amendments. Thereafter, it was sent to the Attorney-General who in turn made some important observations in his letter of 23 September 1993. The main reference is to Article 154G(1) of the Constitution (introduced through the 13th Amendment) which reads as follows: "Every Provincial Council

may, subject to the provisions of the Constitution, make Statutes applicable to the Province for which it is established, with respect to any matter set out in List I of the Ninth Schedule (hereinafter referred to as the Provincial Council List)". According to the Attorney-General, a Provincial Council may make Statutes applicable to the Province Only and as such they do not have the legislative competence to make Statutes applicable to the territorial waters of Sri Lanka. This interpretation virtually cuts off the Provincial Councils from the fisheries sector.

The North-East Provincial Council (NEPC), the North-Western Provincial Council (NWPC), the Southern Provincial Council (SPC) and the North-Central Provincial Council (NCPC) have all submitted Fisheries Statutes for their Governors' assent but the Attorney-General's ruling in the case of NWPC appears to have stalled the efforts of the other Councils, as well.

It has been stated by the Minister in-charge of Provincial Councils that the legal process relating to the devolution of powers under the 13th Amendment has been completed and what remains to be done is for the Provincial Councils to take the consequential steps to organize themselves and exercise the power which has been constitutionally devolved on them. As far as fisheries is concerned this could not be proceeded with in view of the Attorney-General's ruling regarding the legislative competence of Provincial Councils.

This may perhaps be the reason why the delineation plan drawn up by the Ministry of Fisheries could not be implemented. The NEPC became so frustrated that they even appealed to the President to extend the Provincial Councils (Consequential Provisions) Act No.12 of 1989 to cover subjects on the Concurrent List, as well.

Without Statutes real power could not be exercised and although there are Provincial Ministers covering the subject of fisheries in almost all the Provinces (except may be the NEPC where the Provincial Ministry and the Department of Fisheries were wound up on the advice of the Governor) yet not much work is being done by them. The exception may be in the NWP where aquaculture permits are being issued and even lands alienated

for the same purpose under the provisions of the National Environmental Act and other Statutes. Although the NWPC were not able to push through their Fisheries statute yet they were able to obtain approval for the North Western Provincial Environmental Statute No.12 of 1990 and this, together with other fortuitous circumstances like the presence of the Dutch Canal etc; led to the opening up of highly lucrative shrimp (prawn) farms in their coastal belt. These developments naturally carved out an active role for the NW Provincial Ministry of Fisheries and can therefore, be said to be definite gains for the devolution process.

Apart from the failure to enact necessary legislation (through no fault of theirs), the other major constraints faced by Provincial Councils were lack of staff and funds to engage in serious fisheries work. Except for a few DFEOs who were released to function as Provincial Directors of Fisheries, the other extension staff operating at the field level were not transferred or released to the Provincial Councils, by MOFARD. Nor were the other assets like vehicles, buildings and equipment handed over to the Provincial Councils. On the other hand the Provincial Councils were not provided adequate funds to recruit the necessary staff and purchase the required vehicles and equipment. The end result was that MOFARD carried on as usual and the Provincial set-up existed only in name, without making any meaningful contribution to the fisheries sector.

5.0 Devolution of Power under the Draft Constitutional Provisions

The Concurrent List has been given up and now all subjects are either grouped under the Reserved List or the Regional List. "Fishing beyond the territorial waters and rights relating to traditional migratory fishing" is listed as item 37 in the Reserved List. "Fisheries and Aquatic Resources, excluding rights relating to traditional migratory fishing" is listed as item 6 in the Regional List.

On the face of it the intention is clear but the terminologies used are different in the two Lists and this could leave room for ambiguity, later on. As such it would be better to describe the Reserved List subject as "Fisheries and Aquatic Resources beyond the territorial waters and rights relating to traditional migratory fishing" and the Regional List as "Fisheries and Aquatic Resources within the territorial waters, excluding rights relating to traditional migratory fishing". Another solution may be to keep the Reserved List intact and change the Regional List to read as "Fishing within territorial waters, excluding rights relating to traditional migratory rights".

Aquatic Resources have been defined in the Fisheries and Aquatic Resources Act as "living aquatic organisms and includes any seaweed, phytoplankton or other aquatic flora and non-living substances found in an aquatic medium". Now that the word has been introduced in the Regional List it is better to include it in the Reserved List also, so as to remove all doubt.

Another fundamental issue is the one raised by the Attorney-General, that in terms of 154G(1) of the Constitution that Provincial Councils (now Regional Councils) have no jurisdiction over territorial waters. This matter needs to be resolved in the Draft Provisions itself as otherwise the whole exercise will be futile.

The present experience is that the Provincial Councils are helpless without the Statutes and resources. MOFARD could help to speed up the devolution process by commencing work on

a proper plan for transfer of powers, functions and assets and in the preparation of draft Statutes for use by Regional Councils. This will also ensure uniformity and meaningful devolution.

In India, fisheries is a concurrent subject but the States are completely in control and the system works well and without any friction. The Centre only handles national research, export Promotion, resource exploitation in the EEZ (off-shore fishery - beyond 15 nautical miles), foreign collaboration, import of craft and gear, co-ordination among States, statistical co-ordination and relationship with the FAO and other International Bodies.

6.0 Assignment of subjects and Functions to the Proposed Regional Councils

The subjects and functions to be devolved to the proposed Regional Councils are grouped below under convenient headings. Those to be retained by MOFARD have been excluded from this list.

1. Formulation of Programmes and Projects based on the regional policy in respect of Fisheries and Aquatic Resources and the direction of the implementation of such Programmes and Projects.
2. Administration of the Fisheries and Aquatic Resources Act and related Ordinances.
 - (i) Making of Regulations under the Act which apply to the Region.
 - (ii) Implementation/enforcement of the provisions of the Fisheries and Aquatic Resources Act.
 - (iii) Implementation of the registration procedure for vessels and recovery of fees etc.
 - (iv) Regional Fishery Advisory Council.
3. Fishing Rights
 - (v) Enforcement of regulations relating to fishing rights.
 - (vi) Settlement of fishing disputes other than those involving two or more regions.
4. Development and Regulation of the Marine, Brackish water and Freshwater Fisheries.

- (i) Formulation of Regional Plan for Fisheries and Aquatic Resources Development.
 - (ii) Removal of obstacles to coastal fishing, subject to technical clearance by the Dept. of Coast Conservation.
 - (iii) Promotion and regulation of fishing within the territorial waters.
 - (iv) Establishment and management of Inland Fisheries stations.
 - (v) Licensing of Aquaculture enterprises.
 - (vi) Promotion and regulation of Inland capture fisheries.
 - (vii) Collection of statistics on fisheries and conduct of surveys and investigations at the Regional Level.
 - (viii) Establishment, development and regulation of Fisheries Co-operatives.
5. Training of fishermen and extension work among fishermen.
- (i) Establishment and management of Regional Training Centres.
 - (ii) Conducting short-term training courses for fishermen, especially for members of Fisheries Co-operative Societies.
6. Provision of subsidies for fishing.
- (i) Implementation of Producer Subsidy Schemes.

7. Provision and promotion of credit facilities for fishermen:
- (i) Formulation of Regional Schemes for Fisheries Credit.
 - (ii) Implementation of Credit Schemes for fishermen.
8. Provision of welfare facilities for fishermen:
- (i) Formulation and implementation of schemes for the provision of houses, water supply and drainage and sanitary facilities.
 - (ii) Construction of roads and other common amenities such as rest rooms and community centers.
 - (iii) Establishment and management of Day-Care Centres.
 - (iv) Welfare payments (Accident and Fire Relief compensation, Relief for Natural Calamities, Payments to Fishing Community Welfare Workers etc.)
 - (v) Management of the Fishermen's Pension Scheme.
 - (vi) Erection and management of auction sheds.
 - (vii) Establishment and management of beacon lights and direction - finding stations.
9. Management and/or operation of State-owned fishing craft.
10. Distribution and marketing of fish and fish products.
11. Importation and distribution of fishing gear.
12. Establishment and operation of ice plants, cold rooms, harbours, anchorages and other infrastructure facilities required for the fishing industry.

13. Coast Conservation and Protection.

- (i) Grant of permits for development activities within the Coastal Zone.
- (ii) Enforcement of provisions relating to intrusion of waste matters, demolition of unauthorised structures etc.
- (iii) Formulation and implementation of Regional Coastal Zone Management Plans.
- (iv) Identification of priority areas for implementation of schemes of work for coast protection.
- (v) Implementation of medium and minor schemes of coast protection works.
- (vi) Maintenance of all coast protection works.
- (vii) Execution of emergency coast protection schemes.
- (viii) Conduct of research for formulation of Regional Coastal Zone Management Plans.

7.0 Proposed Organizational Structure

Organizational Structures have been proposed at the 4 levels - ie. Centre, Regions, Districts and Divisions. A separate Department of Fisheries at the Regional Level headed by a Regional Director is recommended for the devolved Unit. There are 4 Regions with maritime areas and these would prefer to set up separate Departments for Fisheries. Even the 4 interior Regions may follow suit as there is so much potential and scope for inland fisheries and aquaculture.

The Regional Fisheries Department can be located in the Regional Capital. The Regional Director can be assisted by 4 officers of Staff Rank. (Figure V) Four disciplines have been identified here, namely, administration, extension and management, finance and fishery co-operatives. The last named will be administered by an officer from the Regional Department of Co-operative Development.

The Regional Department of Fisheries can then have separate District Fisheries Offices in each District, as at present. Only a change of name is envisaged here ie. The present District Fisheries Extension Officer (D.F.E.C) to be re-designated as Asst. Director of Fisheries. This has been a long standing request and is in keeping with the ranks held by other line Ministries, operating at the district level.

At the Divisional Level, there will be Fisheries Inspectors (FI), operating in ranges. There may be one or more for each Division, depending on the intensity of fishing activity and population. These range officers need not have separate offices but could operate from the Divisional Secretariats.

For the interior areas, too, the specialized staff are available for deployment viz. Aquaculturists, Aquaculture Extension Officers, Asst. Aquaculture Extension Officers and Aquaculture Assistants.

At the Centre, the Department of Fisheries and Aquatic Resources can be retained, though with reduced staff and activities. For very valid reasons the head could be designated

as Director-General. For one, to distinguish him from the Regional Directors and the other is the trend to call all national Directors of big Departments as Director-Generals or Commissioner-Generals. Figure IV gives the proposed organizational structure for the DOFAR. It is also recommended that the Training and Aquaculture Divisions be brought under the Director-General of Fisheries and Aquatic Resources.

Although a major part of the activities of the Coast Conservation Department can be devolved yet due to the large technical inputs involved there is justification for its continuance as a separate Department, at least for the time-being.

At the level of the Ministry (MOFARD) the number of Divisions will automatically have to be reduced with the transfer of powers and functions to the proposed Regional Councils. It is also proposed to transfer 2 Divisions, namely, Training and Aquaculture to DOFAR, for ease of operation and better control. Although the name may suggest it, yet, NIFT is not a statutory body and as the Regional Training Centres can be transferred to Regional Councils, there is no justification for retaining it as an independent unit. Hence after the proposed devolution, the organizational structure of MOFARD will appear as in Figure III, with 2 Divisional 2 Departments and 4 Statutory Organisations.

As regard the four statutory bodies, NARA will continue as the premier national research institution. The CFHC has already divested most of its assets to the private sector or is in the process of doing so. However, there is need for an organization to concentrate on the management aspects of fishery harbours and for undertaking dredging operations for all Agencies. The CFC and Cey-Nor are due for major restructuring by PERC. In fact, proposals from strategic investors were called by PERC in July 1996 for the sale of up to 90% of the shares of these 2 organisations. However, as the bids received were not satisfactory the whole exercise has been called off. It is likely that fresh bids will be invited by PERC in the near future. Till this restructuring programme is completed it is likely that these 2 statutory bodies will continue with their present activities.

An important factor taken into consideration in the whole reorganization exercise is the realization that as far as marine production of fish is concerned the upper limit has already been reached and therefore management and regulatory aspects have to be emphasized and extension and training aspects de-emphasised.

As far as Staff is concerned, the excess from MOFARD can be used to fill positions in the Regional Department of Fisheries. This re-deployment is necessary and desirable, too, because the present coverage is for the entire island, subject-wise and area-wise. In fact, MOFARD proper has a total cadre of around 1300 and out of this the technical/extension staff account for about 570. The extension staff available for deployment at the Divisional Level is around 234 and comprises Fisheries Inspectors, Aquaculture Extension Assistants, Aquaculture Assistants and Fisheries Social Development Assistants. The Ceylon Fisheries Corporation has also some excess staff. Hence recruitment of new staff for the Regions should be avoided as far as possible as it would result in wastage and additional expenses.

The desirable aspect of this re-deployment is that the field staff could continue to service MOFARD's subjects, as well and this arrangement would ensure continuity and harmony.

Some final comments on the grouping of subjects and functions at the Regional Level. The Wanasinghe Committee on Administrative Reforms (October 1987) has already made a case that the "logical groupings of subjects at the apex of the provincial structure would make a substantial contribution to providing the required unity of approach to the task of delivering development services to the people". Since at present the subject of fisheries has been grouped in a haphazard and irrational manner it would be appropriate to examine the recommendation of the Wanasinghe Committee which is based on the premise that there would ultimately be only 5 Ministers at the Provincial Level for reasons of economy, and effective decision-making. The Committee's recommendation was as follows:

Provincial Administration

1. Chief Minister
Law and Order
Local Govt. and Rural Institutions
2. Minister
Finance and Planning
Employment and Labour
Agriculture and Fisheries
3. Minister
Trade and Tourism
Industry
Economic Infrastructure
4. Minister
Power, Irrigation, Construction, Roads
and Transport
Education
5. Minister
Youth Affairs and Culture
Health and Social Services

I would agree with these recommendations except for the third grouping which may appear too large for some Regions. Also here is another major factor to be taken into consideration as far as the North-East Province is concerned. And that is the subject of Relief, Resettlement, Rehabilitation and Reconstruction. Hence ultimately while maintaining the main frame, some minor adjustments to cater to the individual needs of each Region can be worked out. There is even talk of 10 Ministers, for each Region, under the new set-up. In which event, the assignment of subjects could be carried out in a more satisfactory and objective manner.

Figure - III: Proposed Organizational Chart for MOFARD

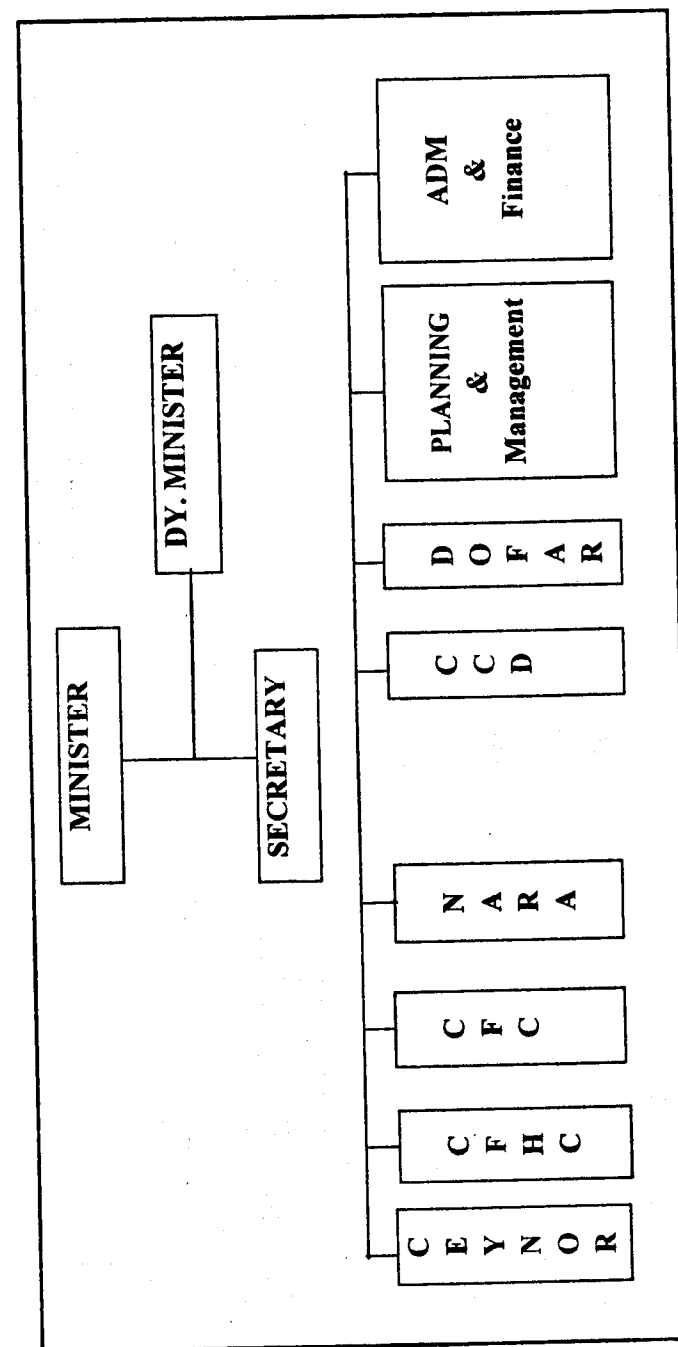


Figure - IV: Proposed Organizational Chart Department of Fisheries & Aquatic Resources

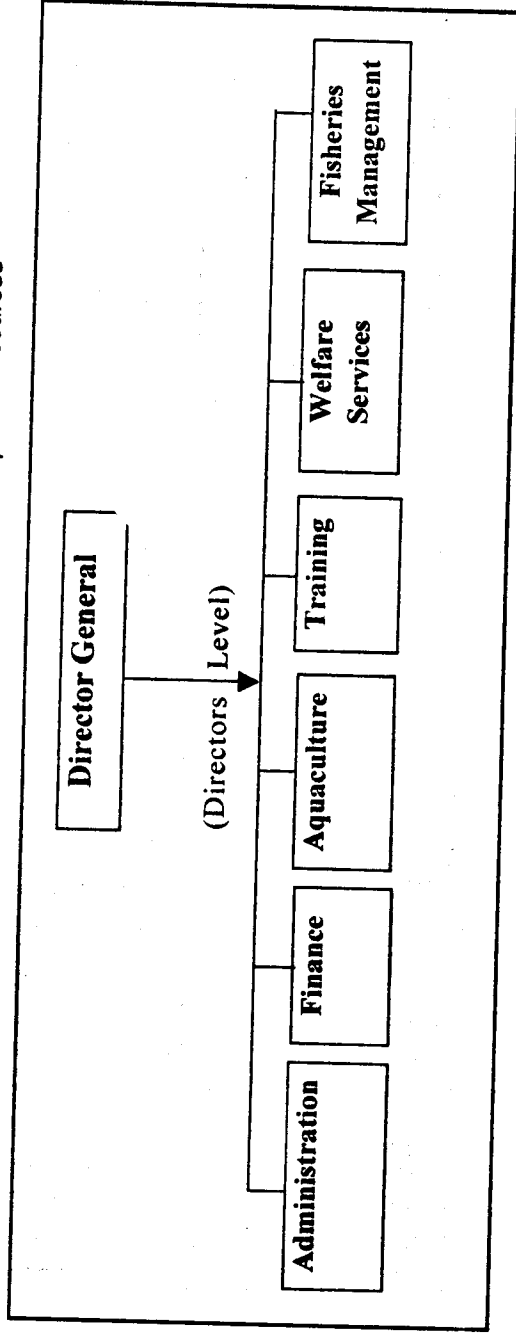
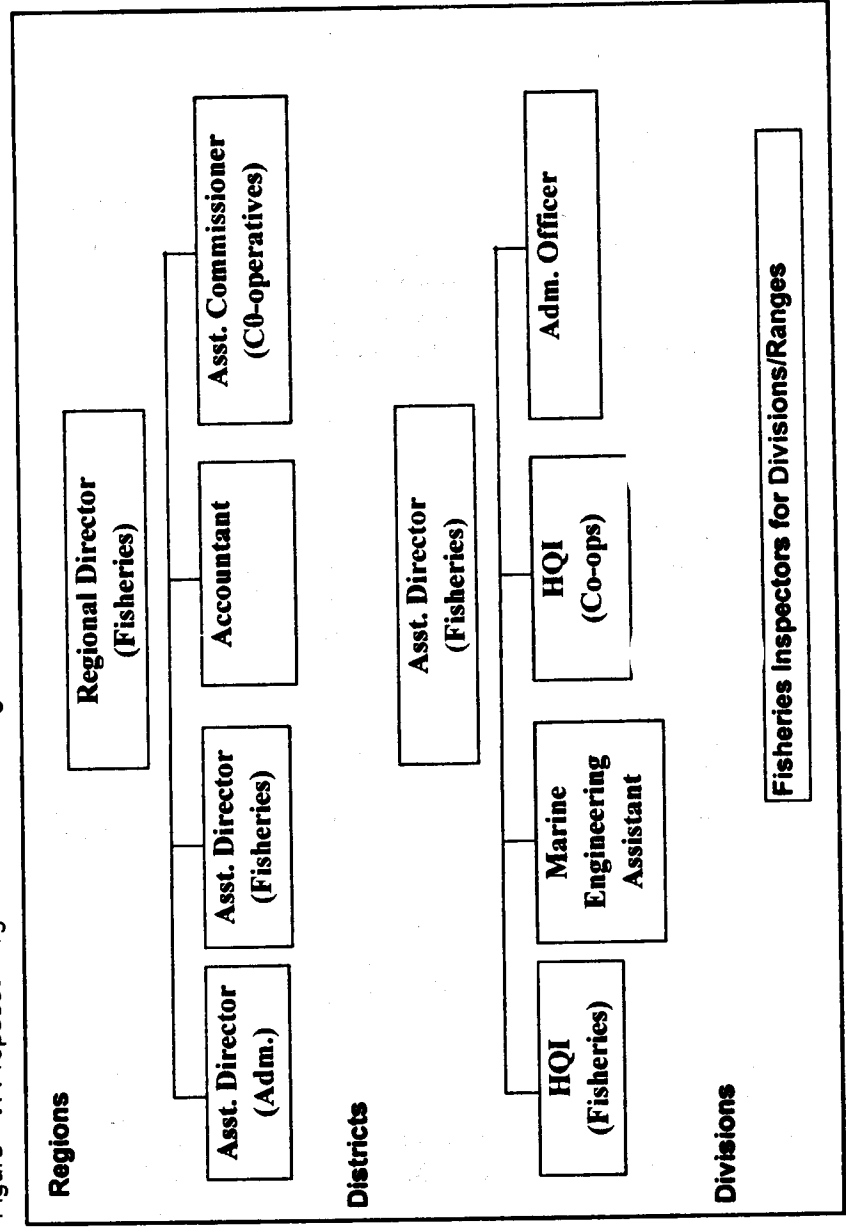


Figure - V: Proposed Regional & District Organizational Charts



8.0 Linkages, Coordination and Regional Cooperation

The new Fisheries and Aquatic Resources Act provides for the setting up of Advisory Councils to advise the Minister on all matters relating to the management, regulation, conservation and development of fisheries and aquatic resources and for the preparation of a fisheries management and development plan. The Directors of Fisheries of the Provinces are members of this new Council. Similar Advisory Councils to advise the Regional Minister can be formed once the necessary statutes have been enacted.

Apart from this the proposed Director-General of DOFAR may of necessity have to hold regular meetings with the Regional Directors for coordination and monitoring purposes. Occasional meetings at Ministers and Secretaries Levels, too, may be necessary. The Regional Minister, Regional Secretary, Regional Director and the Asst. Director in charge of the Districts may also have to meet the staff working under them regularly in order to plan out their programme of work, to implement approved projects and finally to review progress.

All the above mechanisms, formal or informal, establishes vertical linkages within the devolved Unit and with the Centre.

The horizontal linkages can be ensured through the Regional Co-ordinating Committees, District Co-ordinating Committees and Divisional Co-ordinating Committees. The first is a new innovation but the other two Committees are long - established ones and are working successfully under the District Secretaries and Divisional Secretaries.

Regional Co-operation can be ensured through the Chief Ministers Conference for which special provisions have been provided under the Draft Constitution. Similarly the Regional Ministers of Fisheries could meet on their own or with the Central Fisheries Minister as there will be so many issues cropping up from time to time, at least in the initial stages of implementation.

9.0 Checklist for Proposed Regional Councils

A tentative checklist is being recommended below for the purpose of enabling the Regional Councils to approach their work regarding fisheries in a serious, speedy and organized manner; in short, for a easy take off:

1. Set up a Regional Ministry for Fisheries, which will in turn be dependent on the justification for a separate Ministry and also on the allocation of subjects to Regional Ministers by the Chief Minister.
2. Identify core staff from within the existing fisheries set-up or even experienced officers from outside and secure their early release.
3. Set-up a Fisheries Advisory Committee of about 15 -20 persons, all very knowledgeable and experienced, from the Universities, concerned Government Agencies and Fishermen Organisations.
4. Meet the Central Minister in charge of MOFARD and discuss all issues frankly such as the transfer of staff and assets; continuation works; subsidy allocations for fishing boats etc., welfare facilities; foreign assistance; scholarships and training, rehabilitation and reconstruction; and infrastructure development.
5. Within the broad framework of the national policy, drawn by MOFARD, draw up a policy and strategy paper for the Region, with the assistance of the Advisory Committee.
6. Work out a suitable organizational structure for the Region and identify the staff and other requirements.
7. Set-up a Regional Department of Fisheries with the approval of the Regional Board of Ministers.

8. Arrange for the transfer of all staff and assets owned by the Provincial Council.
9. Arrange for the transfer of staff and assets from MOFARD.
10. Arrange for the transfer of funds from the Centre or make provisions in the Regional Budget.
11. Prepare an Implementation Programme for the first year or for the remaining period of the current financial year.
12. Set-up a Task Force for preparing Statutes and Regulations, in draft form, to cover all aspects of fisheries work. This work can even be entrusted to a Team of Consultants or a Consulting Firm.
13. Seek the approval of the Regional Board of Ministers, Regional Assembly and thereafter the assent of the Regional Governor for all the required Fisheries Statutes and Regulations.
14. Recruit and train remaining staff.
15. Conduct a survey of damages brought about by all forms of violence etc., and prepare a separate Replacement, Rehabilitation and Reconstruction Plan, for the Region and seek funds for its implementation.
16. Conduct surveys on the fisheries and aquatic resources of the Region and thereafter prepare a 5 Year Development Plan for the fisheries sector.
17. Identify suitable priority projects for funding by the Region, Centre or Foreign Donors.
18. Identify suitable areas for investment by the private sector and offer incentives and financial assistance to do so.

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