

#### 4. Disaster Risks and Climate Change

At the local level, there is a need to undertake policy advocacy to secure fisherfolk tenure in times of disasters and climate change impacts (e.g., rise in sea levels). Meanwhile at the national level, there is a need to undertake policy advocacy to examine sectoral impacts of disasters and climate change.

#### 5. Policy Coherence, Institutional Coordination and Collaboration

There should be feedback mechanisms for better-informed decisions:

- Between CSOs/fisherfolk organizations and local government
- Internal to the government agencies, e.g. among bureaus of the same agency, as well as national to regional offices
- Among local governments especially those sharing the same fishing grounds
- Among local/devolved government agencies and their national level counterparts

There should also be inter-agency collaboration for holistic approach to the fisheries issues, where each agency contributes efforts based on their respective mandates. There should be delineation and harmonization of roles for more holistic approach to fisheries issues.

The small-scale fishers believe that the creation of a Department of Ocean, Fisheries and Aquatic Resources is imperative to manage water resources in the 7,641 islands of the Philippines.

## V. Conclusion and Ways Forward

As highlighted during the National Multi-stakeholder Forum on the VGSSF (Quezon City, Philippines; 2 October 2017), the VGSSF are only guidelines that may serve as checklist for what good governance and policies for small scale-fisheries could or should be. However, they need to be applied in the national context and according to the national legal system.

This paper showed an abundance of laws of resource management, each law with its own structures for implementation. As with other issues and concerns, small-scale fisheries have an abundance of laws and regulations without coherence, their implementing structures lack coordination and collaboration.

As such, the local government units (LGUs) suffer the problem on coherence. With the numerous plans that they need to formulate and consolidate, they need skills in effective local governance to make sure each plan and each agencies contribute to the attainment of VGSSF objectives and principles.

Finally, international development cooperation partners have the opportunity to assist LGUs by documenting and disseminating good practices (including process description, guidelines and tools). As a starting point, the Coron and Quezon case studies (included in this paper) are sources from which positive lessons can be drawn. This sharing of good practices will facilitate “horizontal” knowledge management and exchange on the fishery sector. Such knowledge sharing may input into the national legal and regulatory framework of the fishery sector system (“vertical” knowledge management and exchange), thereby making the latter more coherent. ■

## Endnotes

- <sup>1</sup> Rodriguez, M. (2017). *Review of Selected Philippine Policies and Laws on Fisheries and the Voluntary Guidelines for Securing Small-scale Fisheries (VGSSF)*. Quezon City: Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).
- <sup>2</sup> This paper has been finalized based on the discussions and recommendations from various processes: a) National Multi-stakeholder Forum on the VGSSF [Department of Agriculture, Quezon City; 2 October 2017], b) two provincial consultations with community members, line agencies and local government units [Infanta, Quezon; 28 June 2017 and Coron, Palawan; 11 August 2017]; and, c) roundtable discussions with the Bureau of Fisheries and Aquatic Resources [BFAR, Quezon City; 3 August 2017] and civil society organizations [PhilDHRRA, Quezon City; 25 August 2017].
- <sup>3</sup> The views presented in this document do not necessarily reflect those of FAO.
- <sup>4</sup> This paper includes the key findings and recommendations from the following studies: (i) “The Ancestral Lands and Waters of the Indigenous Tagbanwa Communities of Northern Palawan” (De Vera, D. and Zingapan, K., 2017); (ii) “Access and Rights to Water Resources in Infanta and Polilio Group of Islands, Quezon” (Germaine Jalandoni De Ruña, 2017), and (iii) inputs generated from the various consultation processes.
- <sup>5</sup> Established by the FAO Conference at its 13<sup>th</sup> Session in 1965, COFI is a subsidiary body of the FAO Council.
- <sup>6</sup> Executive Order 292 states that a staff bureau performs policy, program development, and advisory function while a line bureau directly implements programs adopted pursuant to policies and plans of a department.
- <sup>7</sup> Section 108 of the Fisheries Code states that “The Department shall establish and create fisherfolk settlement areas in coordination with concerned agencies of the government, where certain areas of the public domain, specifically near the fishing grounds, shall be reserved for the settlement of the municipal fisherfolk.”
- <sup>8</sup> Municipality and Residents of Infanta, Quezon, Represented by Mayor Roldan Velasco and Brgy. Captain M. Nolleto vs. Macario Asistio, Jr., BFAR, February 15, 2001.

## References

### Official Documents: Policies, Legislations, Decrees

BFAR Fisheries Administrative Order 197-1: Revised Rules and Regulations Governing the Lease of Public Lands for Fishpond and Mangrove-Friendly Aquaculture

DENR-DILG Joint Memorandum Circular No. 98-01

Department of Agriculture Administrative Order No. 3: Series of 1998. Implementing Rules and Regulations Pursuant to Republic Act No. 8550: “An Act providing for the development, management and conservation of the fisheries and aquatic resources, integrating all laws pertinent thereto, and for other purposes. 8 May 1998.

Department of Labor and Employment Department Order 156-16, s.2016: Rules and Regulations Governing the Working and Living Conditions of Fishers on board Fishing Vessels Engaged in Commercial Fishing Operations

Executive Order 193: Expanding the Coverage of the National Greening Program

Executive Order 263: Community-Based forest Management, July 19, 1995

Executive Order 273: Approving and Adopting the Philippine Plan for Gender-responsive Development (PPGD) 1995-2025, September 8, 1995

Executive Order 292: Instituting the “Administrative Code of 1987”

Philippine Plan for Gender-responsive Development, 1995-2025

Presidential Decree 1067, Water Code, s. 1976

Presidential Decree 442: Labor Code, s. 1974

Presidential Decree 705: Forestry Code, s. 1975

Republic Act 10121: The Philippine Disaster Risk Reduction and Management Act of 2010

Republic Act 7160: The Local Government Code of 1991

Republic Act 7586: The National Integrated Protected Areas System Act of 1992

Republic Act 7611: An Act Adopting the Strategic Environment Plan for Palawan, Creating the Administrative Machinery to Its Implementation, Converting the Palawan Integrated Area Development Project Office to Its Support Staff, Providing Funds Therefor, and for Other Purposes

Republic Act 8371: The Indigenous People’s Rights Act of 1997, October 29, 1997

Republic Act 8435: The Agriculture and Fisheries Modernization Act of 1997

Republic Act 8550: The Philippine Fisheries Code of 1998, and its Amendments (RA 10654)

Republic Act 9003: Ecological Solid Waste Management Act of 2000

Republic Act 9147: Wildlife Resources Conservation and Protection Act, July 30, 2001

Republic Act 9710: Magna Carta of Women, July 28, 2008

Republic Act 9729: The Climate Change Act of 2009 and People’s Survival Fund (RA 10174)

### FAO-JN Document

FAO. (2015), *Voluntary Guidelines for Securing Small Scale Fisheries in the Context of Food Security and Poverty Eradication*. Rome: Food and Agriculture Organization of the United Nations.

### Related Research Studies

De Ruña, G. (2017), *Access and Rights to Water Resources in Infanta and Polilio Group of Islands, Quezon*. Quezon City: ANGOC.

De Vera, D. and Zingapan, K. (2017), *The Ancestral Lands and Waters of the Indigenous Tagbanwa Communities of Northern Palawan*. Quezon City: ANGOC.

Perez M.L., Pido M.D., Garces L.R., and Salayo N.D. (2012), *Towards Sustainable Development of Small-Scale Fisheries in the Philippines: Experiences and Lessons Learned from Eight Regional Sites*. Lessons Learned Brief 2012-10. Penang, Malaysia: WorldFish.

Quizon, A. and Pagsanghan, I. (2014). *Review of Selected Land Laws and the Governance of Tenure in the Philippines: A Discussion Paper in the Context of the VGGT*. Quezon City: ANGOC and GIZ. Retrieved from [http://www.angoc.org/wp-content/uploads/2014/10/VGGT-and-Philippine-laws\\_web.pdf](http://www.angoc.org/wp-content/uploads/2014/10/VGGT-and-Philippine-laws_web.pdf).

## Web Sources

- Bureau of Agriculture and Fisheries Standards-Department of Agriculture (BAFS-DA). (2017). *History*. Retrieved from <http://www.bafps.da.gov.ph/index.php/about-us/history>.
- Bureau of Fisheries and Aquatic Resources (BFAR). (2015). *Philippine fisheries profile 2015*. Retrieved from <https://www.bfar.da.gov.ph/publication>.
- Department of Agriculture (DA). (2017). *Mandate, vision, and mission*. Retrieved from <http://www.da.gov.ph/mandate-vision-mission/>.
- Department of Environment and Natural Resources (DENR). (2017). *DENR Mandate, Vision and Mission*. Retrieved from <http://www.denr.gov.ph/about-us/mission-vision.html>.
- Forest Management Bureau-Department of Environment and Natural Resources (FMB-DENR). *Vision, Mission and Mandate*. Retrieved from <http://forestry.denr.gov.ph/index.php/about-fmb/vision-and-mandate>.
- National Anti-Poverty Commission (NAPC). (2017). *Service Charter*. Retrieved from <http://www.napc.gov.ph/articles/service-charter>.
- Philippine Statistics Authority (PSA). (2014). *Fishermen, farmers and children remain the poorest basic sectors*. Reference No. 20140704-SS2-01. Retrieved from <https://psa.gov.ph/content/fishermen-farmers-and-children-remain-poorest-basic-sectors-0>.

**Table 1: Crowd Analysis Comparing the Laws under Study with the VGSSF Principles**

	Framework		Sector-based Tenure Reforms						Resource Management, Protection & Use					Climate Change & Risks			
	Water	Fish Code	LGC	IPRA	Labor	CBFM	MCW	PPGD	AFMA	IPRA	Forest Code	NIPAS	SEP	Wild-life	CC	DRRM	ESWM
<b>I. General Matters</b>																	
3. Guiding Principles																	
<b>II. Responsible Fisheries</b>																	
5. Governance, Resource, Management																	
6. Decent Work																	
7. Value Chain/Post-harvest/ Trade																	
8. Gender Equality																	
9. DR and CC																	
<b>III. Enabling Environment</b>																	
10. Policy Coherence																	
11. Info Research & Communication																	
12. Capacity Development																	

**Table 1** compares the laws and policies governing the fishery sector with the VGSSF Principles. The shaded areas indicate the presence of VGSSF principles that are addressed (in whole or in part) by the Laws under review.

**Table 2: Silence Analysis Comparing the Laws under Study with the VGSSF**

	Framework			Sector-based Tenure Reforms						Resource Management, Protection & Use						Climate Change & Risks		
	Water	Fish Code	LGC	IPRA	Labor	CBFM	MCW	PPGD	AFMA	IPRA	Forest Code	NIPAS	SEP	Wild-life	CC	DRRM	ESWM	
<b>I. General Matters</b>																		
3. Guiding Principles																		
<b>II. Responsible Fisheries</b>																		
5. Governance, Resource, Management																		
6. Decent Work																		
7. Value Chain/Post-harvest/ Trade																		
8. Gender Equality																		
9. DR and CC																		
<b>III. Enabling Environment</b>																		
10. Policy Coherence																		
11. Info Research & Communication																		
12. Capacity Development																		

**Table 2** provides a reverse image of Table 1. The shaded areas indicate those VGSSF principles where the laws and policies under review appear “silent.”

## Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF)

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) represent the first international instrument dedicated to the immensely important but often neglected sector – small scale fisheries sector. These guidelines have been developed in support to the overall principles and provisions of the 1995 FAO Code of Conduct for Responsible Fisheries (the Code). The development of the VGSSF was initiated in 2008 during the First Global Conference on Small-Scale Fisheries in Bangkok, Thailand and it was finally endorsed at the 31<sup>st</sup> Session of Committee of Fisheries (COFI) in June 2014.

The VGSSF complement other international instruments such as *Voluntary Guidelines on the Right to Food*, as well as *Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests*.

The VGSSF have 98 provisions, covering 11 topics encompassing 3 major themes: (i) Introduction; (ii) Responsible Fisheries and Sustainable Development; and (iii) Ensuring an Enabling Environment and Supporting Implementation.

Part 1, Introduction, specifies the objectives, the nature and scope, the guiding principles by which the VGSSF are to be implemented as well as their relationship with other international instruments.

Part 2, Responsible Fisheries and Sustainable Development, provides guidance for fisheries-specific topics such as responsible governance of tenure and sustainable resource management, but also for crucial inter-sectoral issues: social development, employment and decent work; value chain, post-harvest and trade; gender equality; and disaster risks and climate change.

Part 3, Ensuring an Enabling Environment and Supporting Implementation, provides guidance on how to realize the principles and recommendations of the VGSSF through policy coherence, institutional and supporting implementation; information, research and communication; capacity development; and implementation support and monitoring.

**A**round 1.8 million municipal fishers in the Philippines contribute to more than 26 percent of the country's total fish production. However, fisherfolk remain among the poorest of the poor, with 39.2 percent of fishers living below the poverty line. In this regard, *The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (VGSSF) may provide guidance to national and local government offices through its rights-based recognition of the important role of small-scale fisheries in meeting the nutritional and socioeconomic needs of Filipinos.

This publication, *Review of Selected Philippine Policies and Laws on Fisheries and the Voluntary Guidelines for Securing Small-scale Fisheries* (VGSSF), analyzes the VGSSF's provisions vis-à-vis major policies, laws, and mechanisms related to the governance of the fishery sector in the Philippines. It identifies areas of convergence and divergence to serve as a springboard for advocacy and for the mainstreaming of the VGSSF in the country. To contextualize the issues presented, this paper also incorporates the key findings from two cases: i) overlapping or conflicting laws on the management of ancestral waters and municipal waters in Coron, Palawan; and, ii) overlapping policies and mandates of agencies governing the management of coastal waters in Infanta and Polilio Group of Islands, Quezon.

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