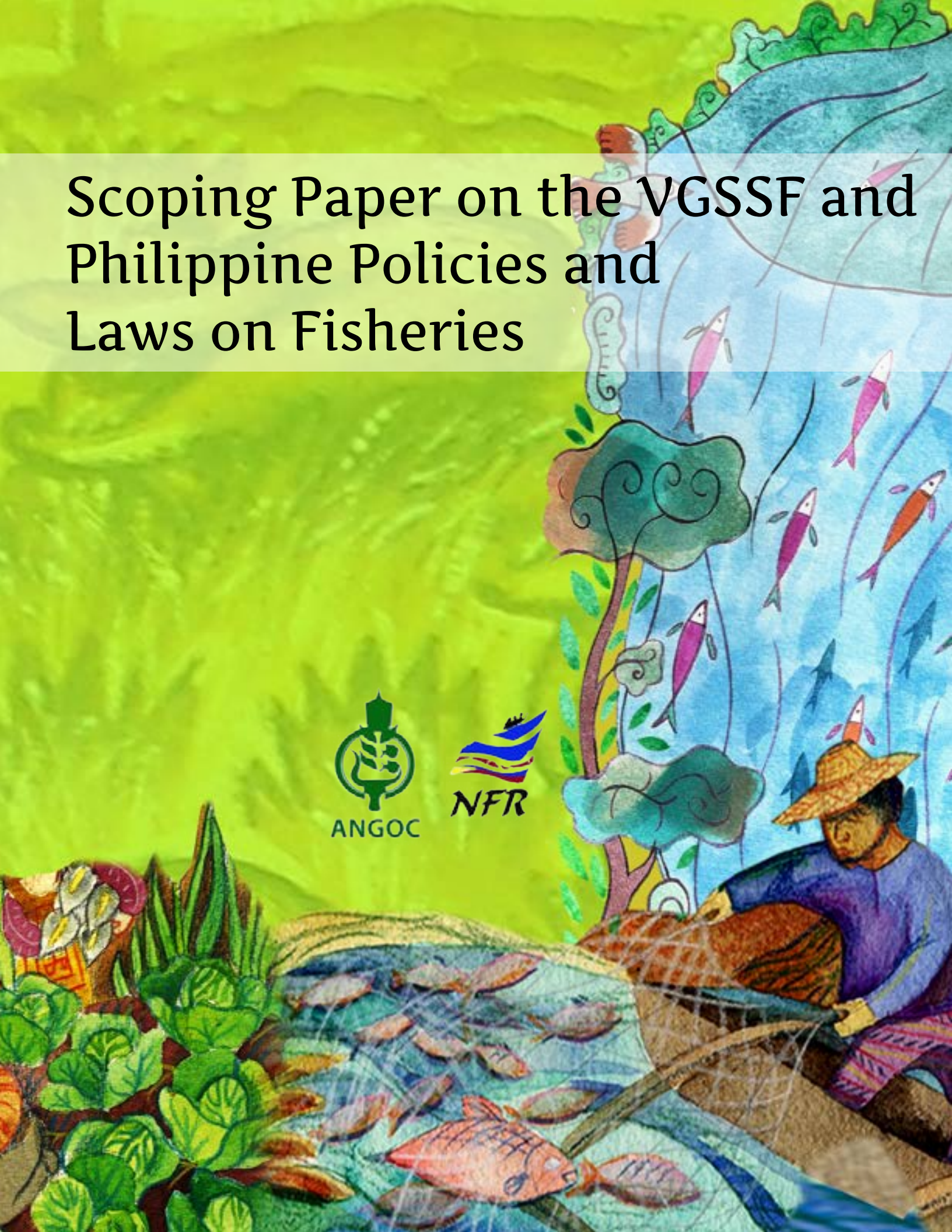


Scoping Paper on the VGSSF and Philippine Policies and Laws on Fisheries





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Founded in 1979, ANGOC is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC network members and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is the convener of the Land Watch Asia (LWA) campaign. ANGOC is also a member of the International Land Coalition (ILC), the Global Forum on Agricultural Research (GFAR) and the Global Land Tool Network (GLTN).



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The NFR is a national coalition of non-government organizations formed initially to provide technical support for national fisherfolk federations and coalitions in their lobbying efforts for the passage of a meaningful fisheries code. It has since strived to go beyond this initial unity by sharing experiences in both theoretical and practical work in the fisheries sector and by actively exploring alternative venues for its advocacy work. At present, it has 12 member organizations. It registered under the Securities and Exchange Commission in 2005.

Scoping Paper on the VGSSF and Philippine Policies and Laws on Fisheries^{1,2}

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Acronyms

ADSDPP	Ancestral Domain Sustainable Development Protection Plan
AFMA	Agriculture and Fisheries Modernization Act of 1997
AFSC	Artisanal Fisherfolk Sectoral Council
ASC	Aquasilviculture Stewardship Contract
BDPs	Barangay Development Plans
BFAR	Bureau of Fisheries and Aquatic Resources
CADT	Certificate of Ancestral Domain Title
CBFM	Community-Based Forest Management
CBFMA	Community-Based Forest Management Agreement
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFLCs	Community Fish Landing Centers
CLUPs	Comprehensive Land Use Plans
CRM	Coastal Resource Management
DENR	Department of Environment and Natural Resources
DILG	Department of Interior and Local Government
DOLE	Department of Labor and Employment
DRRM	Disaster Risk Reduction and Management
ECANs	Environmentally Critical Area Networks
FARMCs	Fishery Aquatic Resource Management Councils
FAO	Food and Agriculture Organization of the United Nations
FLA	Fishpond Lease Agreement
FMA	Fishery Management Areas
FRMP	Fishery Resource Management Project
ICCs	indigenous cultural communities
IPR	indigenous peoples rights
IPRA	Indigenous People's Rights Act of 1997
IPs	indigenous peoples
LCCAP	Local Climate Change Action Plan
LDRRMC	Local Disaster Risk Reduction Management Council
MLGU	Municipal Local Government Unit
MPA	Marine Protected Area
MSMEs	Micro, Small and Medium Enterprises
NAMRIA	National Mapping and Resource Information Authority
NCCAP	National Climate Change Action Plan
NCIP	National Commission on Indigenous People
NDCC	National Disaster Coordinating Council
NDRRMC	National Disaster Risk Reduction Management Council
NDRRMF	National Disaster Risk Reduction and Management Framework
NHA	National Housing Authority
NIPAS	National Integrated Protected Areas System
NOAB	National Organic Agriculture Board
PACBRMA	Protected Area Community-Based Resource Management Agreement
PAMB	Protected Area Management Board
PCAF	Philippine Council for Agriculture and Fisheries
PCSD	Philippine Council for Sustainable Development
PPGD	Philippine Plan for Gender-Responsive Development
PSF	People's Survival Fund
RSBSA	Registry System for Basic Sectors in Agriculture
SAFDZ	Strategic Agriculture and Fisheries Development Zone
SEP	Strategic Environmental Plan
SFF	small farmers and fisherfolk
TFCI	Tagbanwa Foundation of Coron Island
VGSSF	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries
WINFISH	National Network of Women in Fisheries

Scoping Paper on the VGSSF and Philippine Policies and Laws on Fisheries⁴

I. Introduction

A. The VGSSF

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF) have been developed as complement to the 1995 FAO Code of Conduct for Responsible Fisheries (the Code). They were developed to provide complementary guidance with respect to small-scale fisheries in support of the overall principles and provisions of the Code.

The development of the Guidelines was initiated in 2008 during the First Global Conference on Small-Scale Fisheries in Bangkok, Thailand and it was finally endorsed at the 31st Session of Committee of Fisheries (COFI⁵) in June 2014. The VGSSF are instruments for sustainable development as well as for supporting food security and nutritional intake, equitable development and poverty eradication, and responsible management of fisheries resources.

The VGSSF was developed through a participatory and consultative process, directly involving more than 4,000 representatives of small-scale fishing communities, civil society organizations (CSOs), governments, regional organizations and other stakeholders from more than 120 countries. The VGSSF are voluntary, global in scope and with a focus on the needs of developing countries. It emphasizes the important role of small-scale fisheries for food security and poverty eradication: a source of nutrition, income and economic growth.

Fisheries is an important industry in the Philippines. The country has 2,200,000 square kilometers of territorial waters; 266,000 of which are coastal waters while 27,000 are coral reef areas. Inland resources, where small scale fishers are also located, include swamplands with a total of 246,063 hectares where 106,328 are freshwater and 139,735 are brackish water. There are also lakes with a total area of 250,000 hectares, rivers with 31,000 hectares and reservoirs with 19,000 hectares.

The Fisheries Profile of 2015 published by the Bureau of Fisheries and Aquatic Resources (BFAR) shows that municipal fisheries production reached 1,216,526.72 metric tons contributing to the 26.2 percent of the total fish production. Aquaculture posted the highest production at 2,348,161.09 metric tons attributed to the 50.5 percent of the total fish production, while commercial fisheries production posted a total of 1,084,624.70 metric tons equivalent to 23.3 percent of the total production.

According to the Fisheries Registration System of BFAR there are already around 1.8 million registered municipal fishers as of 2017.

However, as of 2012, the fisherfolk are the poorest of the poor where 39.2 percent are below the poverty line – a figure close to the poverty incidence among farmers at 38.3 percent (Philippine

Statistics Authority, 2014). This data shows the need to implement the VGSSF in the country to uplift the socio-economic situation of the small-scale fisherfolk.

B. Involvement of the Philippines in the VGSSF Consultation Process

Development work on the fisheries sector had been going on since the early 1990s, through community-based coastal resource management programs implemented by civil society organizations that work in partnership with fisherfolk communities. Among the major issues during this time was the declining fish catch due to overfishing and degradation of coastal and marine resources. Lobbying and advocacy work had been going on with the local government units to address this situation. At the national level, a new Fisheries Code was lobbied at the legislative government. The proposed Fisheries Code looks at fisheries as resource that needs to be managed in a sustainable manner. The proposed Code also increased the role of the BFAR from being a staff bureau to a line bureau.⁶

The Philippines was among the countries consulted in the development of the VGSSF. The consultation highlighted that the small-scale fishers in the country are considered poorest of the poor, with backward technologies, has no security of tenure, among others. Resource use conflict was also rampant among coastal communities. Filipino fishers called on the Food and Agriculture Organization of the United Nations (FAO) to consider these issues in the development of the VGSSF.

Researches were also done to identify how to improve small-scale fisheries management. One particular research pointed at six core strategies to promote the sustainability of small-scale fisheries (Pido, Garces, and Salayo, 2012):

1. Sustain—conservation and rational use of fishery resources;
2. Protect—preventive steps to manage threats to habitats and/or ecosystems that support fisheries;
3. Develop—development of small-scale fisheries in geographically-appropriate areas, including promotion of livelihoods;
4. Capacitate—enhancing the capacity of municipal fishers and relevant stakeholders;
5. Institutionalize—organizational integration including scaling-up of fisheries management; and,
6. Communicate—generation of pertinent information and translation into appropriate formats for practical transmission.

C. Philippine Commitment to the VGSSF and Summary of Implementation to Date

The Philippines, through the BFAR – the main agency mandated to provide assistance to the fisheries sector, has been implementing programs that contribute to the implementation of the VGSSF. Among them are the national registration programs such as the National Program for Municipal Fisherfolk Registration (FishR) for the municipal fisherfolk, and the Municipal Fishing Vessel and Gear Registration (BoatR) for the fishing vessels and fishing gears. These registrations are important in ensuring enabling environment and supporting VGSSF implementation.

BFAR also allocated funds for the establishment of Community Fish Landing Centers (CFLCs) that serve as hub for fish landing and auction; venue for skills development and training on post-harvest, resource management and value-adding, and economic growth center for marketing. The CFLCs also aims to address problem on traceability of fish catch, a BFAR deliverable under the revised Fisheries Code.

It is also a venue for ensuring quality standards of fish catch. However, the program is experiencing setback with the lack of available lands for CFLCs construction. BFAR is aiming to address this problem by allocating budget for land purchase.

On Gender and Development, BFAR had been assisting fisher women through the National Network of Women in Fisheries (WINFISH). Training programs on post-harvest technologies are conducted through this network. In addition, the FishR questionnaires were designed to ensure that women are registered as fishers.

To help improve the income of the fishers and contribute to food security, BFAR has been conducting technology training courses and providing assets. For instance, BFAR discourages the use of wooden boats by providing fiberglass boats to the fishers. They are also taught how to construct these boats. The boats come with sustainable and environment-friendly gears such as gill nets, and hook and line.

The Fisheries Code mandates the creation of fisherfolk settlement areas.⁷ This is critical to ensure access to the fishery, fish processing, housing and other livelihood support. The Bureau attempted to address this by allocating funds for fisherfolk settlement areas; however, the funding proposal was not approved by the Department of Budget and Management (DBM) as, according to them, building of shelters or settlements is not a mandate of BFAR. The fisherfolk sector is pushing for the implementation of fisherfolk settlement areas by convening an inter-agency working group to ensure that each agency can contribute mandated efforts for the eventual implementation of fisherfolk settlement areas.

The Fisheries Code sets aside the municipal waters, defined as 15 kilometers from the shoreline, for the use of municipal fishers. To strictly implement this, it is important to establish the boundaries of municipal waters. However, the delineation of municipal waters, especially of municipalities with offshore islands, is currently on hold as the Supreme Court is yet to decide on how the waters should be delineated.

To look at municipal waters as comprehensive rather than divisive, BFAR is implementing an ecosystem approach to fisheries management through the establishment of Fishery Management Areas (FMAs). The program was piloted in the Visayan Sea.

On disaster risk and climate change, BFAR developed its Disaster Risk Reduction and Management (DRRM) Manual this 2017. Trainings on Safety of Life At Sea (SOLAS) are also being rolled out through the conduct of lectures to fisherfolks.

D. Study Objectives and Scope

The study aimed to compare and analyze the VGSSF and the major policies and laws governing the fishery sector in the Philippines through identification of areas of policy and program complementation or gaps, and challenges related to natural disasters and climate change. The identified areas of convergence and divergence between the VGSSF and major Philippine land laws will serve as a springboard for advocacy and implementation of the VGSSF in the country.

The paper also maps the major tenurial and resource management instruments, the programs in response to natural disasters and climate change, and the support services provided to the fishery sector by selected government agencies based in the Philippines.

The paper incorporates the case studies in Coron, and Infanta and Polilio Islands contextualizing the issues outlined in this scoping paper.

The study examined the following laws and guidelines:

1. Presidential Decree 442: Labor Code, s. 1974
 - 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
2. Presidential Decree 705: Forestry Code , s. 1975
3. Presidential Decree 1067, Water Code, s. 1976
4. Republic Act 7160: The Local Government Code of 1991
5. Republic Act 7586: The National Integrated Protected Areas System Act of 1992
6. Executive Order 263 : Community-Based Forest Management, 19 July 1995
7. Executive Order 273: Approving and Adopting the Philippine Plan for Gender-responsive Development (PPGD) 1995-2025, 8 September 1995
8. Republic Act 8435: The Agriculture and Fisheries Modernization Act of 1997
9. Republic Act 8371: The Indigenous People’s Rights Act of 1997, 29 October 1997
10. Republic Act 8550: The Philippine Fisheries Code of 1998, and its Amendments (RA 10654)
 - BFAR Fisheries Administrative Order 197-1: Revised Rules and Regulations Governing the Lease of Public Lands for Fishpond and Mangrove-Friendly Aquaculture
11. Republic Act 9003: Ecological Solid Waste Management Act of 2000
12. Republic Act 9147: Wildlife Resources Conservation and Protection Act, 30 July 2001
13. Republic Act 9710: Magna Carta of Women, 28 July 2008
14. Republic Act 9729: The Climate Change Act of 2009 and People’s Survival Fund (RA 10174)
15. Republic Act 10121: The Philippine Disaster Risk Reduction and Management Act of 2010
16. Laws for Local Implementation
 - Republic Act 7611: An Act Adopting the Strategic Environment Plan for Palawan

The above are the major laws and regulations governing land and natural resources in the rural areas. Brief descriptions of the roles of the major stakeholders in these policies are also provided in this paper.

The study was limited to content analysis of the provisions of the abovementioned laws as well as the VGSSF. It did not assess the implementation of these laws.

E. Brief Background on Philippine Laws on Land and Resource Governance of Fishery Sector

Following are the laws and policies that were analyzed using the VGSSF principles. These laws and policies include provisions for resource management and/or tenure. Provisions of these laws and policies that relate to resource management and/or governance of tenure are highlighted:

1. **Presidential Decree 442: Labor Code, s. 1974**

The Labor Code of the Philippines, issued in 1975, declared the State policy to protect labor; ensure equal work opportunities regardless of sex, race, or creed; and regulate relations between workers and employees; assure rights of workers to self-organization, collective bargaining; among others. All doubts in the implementation of the Code including implementing rules and regulations shall be resolved in favor of labor.

The Labor Code also mandates that tenant-farmers on private agricultural lands primarily devoted to rice and corn under a system of shared crop or lease tenancy shall be deemed owner of portion constituting a family-sized farm of five hectares if not irrigated, or three hectares if irrigated. Landowner may retain not more than seven hectares if said landowner is cultivating or intends to cultivate it.

The Code also stated that normal hours of work of any employee shall not exceed eight hours a day. Minimum wage will be set by the regional wage boards.

- *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*

The Department Order 156-16, s. 2016 was issued in June 2016. It was issued based on State policy on regulating the relations between workers and employees, recognizing the right of labor to a just share in the fruits of production, guarantee the free exercise by commercial fish workers to organize and form unions, and ensure that fishing vessels are sea worthy and compliant to safety standards.

The responsibilities of fishing vessel owner includes ensuring compliance to existing laws, seaworthiness of the vessel, permits, crew list, and availability of resources needed for fishing expeditions like medicines, food and water, and survival kits. During lean or closed season, the Department of Labor and Employment (DOLE) should facilitate livelihood and temporary income opportunities for fishers.

The Order also requires employment agreement between the fishing vessel owner and fisher, with set minimum benefits, meal breaks, rest period and rest day, medical care, sleeping accommodations, comfortable and healthy working environment. Requirements when terminating employment of fishers is also stipulated in the said Department Order.

Unfortunately the implementation of this guideline has been put on hold due to issues raised by industry representatives. Commercial fishing vessel operators are calling for the scrapping of the current draft and for DOLE to come up with a guidelines more suited to Philippine context. Consultations are being conducted to gather comments and recommendations for review and finalization of the said Department Order.

2. **Presidential Decree 705: Forestry Code , s. 1975**

Presidential Decree (PD) 705 was signed on 19 May 1975, otherwise known as Forestry Reform Code of the Philippines. PD 705 emphasizes not only the utilization but more so the protection, rehabilitation, and development of forest lands to ensure continuity of its productive conditions. Forest lands include mangroves, a type of forest occurring on tidal flat along the sea coast, extending along streams where the water is brackish.

The Code stated that lands with 18 percent in slope or over shall not be classified as alienable and disposable. Meanwhile, there are also lands with less than 18 percent slope that are needed for forest purposes and may not be classified as alienable and disposable. These include 20-meter strips of land along the edge of high waterline of rivers and streams with channels of at least five meters wide; strips of mangrove or swamplands at least 20 meters wide along shorelines facing oceans, lakes, and other bodies of water; and strips of lands at least 20 meters facing lakes.

Section 43 of the Code states that strips of mangrove forests that protect the shoreline and coastal communities from the destructive force of the sea during high winds and typhoons shall be maintained and kept free from artificial obstruction to allow floodwater to flow unimpeded to the sea. In addition, mangrove and other swamps released to the BFAR for fishpond purposes which are not utilized, or abandoned for five years from date of release shall revert to the category of forest lands.

3. Presidential Decree 1067, Water Code, s. 1976

Presidential Decree 1067 otherwise known as “A Decree Instituting a Water Code, Thereby Revising and Consolidating the Laws Governing the Ownership, Appropriation, Utilization, Exploitation, Development, Conservation and Protection of Water Resources” was released on 31 December 1976. It established the basic framework for the appropriation, control, and conservation of water resources to achieve the optimum development and rational utilization of these resources. Among its underlying principles are that all waters belong to the State and are subject to acquisitive prescription; and that utilization, development conservation, and protection of water resources shall be subjected to control and regulation of the government.

Article 51 defined the easement zone which refers to the banks of rivers and streams, and the shores of the seas and lakes throughout their entire length within a zone of three meters in urban areas, 20 meters in agricultural areas, and 40 meters in forest areas – noting that fisherfolk communities are usually located in these areas, sometimes even within or at the seaward side of mangrove forest areas.

4. Republic Act 7160: The Local Government Code of 1991

The Local Government Code of 1991 declared the “policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals” (Book 1, Chapter 1, Sec. 2(a)).

Section 17(a), meanwhile, described that “local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein.”

BFAR, an agency that has a major role in the management of the fisheries and is important for the implementation of the VGSSF, is one of the national government devolved by virtue of the Local Government Code. Hence BFAR central’s role in the management of the fisheries is up to the regional level only. It is responsible for the distant waters, i.e. beyond 15 kilometers from the shoreline; while the municipal waters (up to 15 kilometers from the shoreline) is under the jurisdiction of the local government units through the Municipal Agriculture Office.

Among the duties and functions done by the local government units is enacting ordinances for implementation at their respective jurisdictions. The Fisheries Code, for instance, is implemented

at the local level through the formulation and implementation of Comprehensive Municipal Fishery Ordinance.

Meanwhile, it is in Section 131(23) of the Code that defines “municipal water” as marine waters 15 kilometers from the low tide point of the shoreline.

5. Republic Act 7586 – National Integrated Protected Areas System Act of 1992

The National Integrated Protected Areas System (NIPAS) Act of 1992 was passed in response to the State policy to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park.

Several categories of protected areas are established under this law:

- a. Strict nature reserve
- b. Natural park
- c. Wildlife sanctuary
- d. Protected landscape and seascape
- e. Resource reserve
- f. Natural biotic areas
- g. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory

Protected Area Management Board (PAMB) are established for each protected area, composed of several stakeholders such as the Department of Environment and Natural Resources (DENR) Regional Executive Director as the Chair, representatives from the municipal government, non-government organization, and other government agencies. The Board is tasked to decide on budget, proposals for funding, planning, and general administration of the areas. Board members serve for a term of five years without compensation except for travel and subsistence expenses while doing their duties.

Prohibited acts in the protected areas include:

- a. Hunting without permits
- b. Dumping of wastes detrimental to the area
- c. Use of motorized equipment without permit from PAMB
- d. Destroying objects of natural beauty
- e. Damaging roads and trails
- f. Squatting, mineral locating, land occupation
- g. Construction of any structures without permit
- h. Leaving in unsanitary conditions refuse or debris, depositing in ground or in bodies of water
- i. Altering, removing, destroying boundary markers or signs

Management plans are also formulated for each protected area. The management planning strategy shall provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites for close coordination between and among local agencies of the Government as well as the private sector.

6. Executive Order 263 – Community-Based Forest Management, 19 July 1995

Executive Order 263 adopted community-based forest management as the national strategy to ensure sustainable development of the country’s forestlands resources and provide mechanisms

for its implementation. This Order was promulgated in recognition of indispensable role of local communities in forest protection, rehabilitation, development, and management.

The Department of Environment and Natural Resources (DENR) through its Community and Provincial Environment and Natural Resources Offices, in coordination with the local government units and the Department of Interior and Local Government (DILG), were ordered to, at all times, take into account the needs and aspirations of local communities whose livelihoods depend on the forestlands. Participating organized communities may be granted access to forestland resources under long-term tenurial agreements using environment-friendly and sustainable harvesting methods as stipulated in a site-specific management plan.

Mangroves, as part of forest resources can also be covered by community-based forest management and can be availed by organized fisherfolk communities.

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

The Order directed all government agencies, departments, bureaus, offices and instrumentalities, including government-owned and controlled corporations, at the national, sub-national and local levels to take appropriate steps to ensure the full implementation of the policies/strategies and programs/projects outlined in the plan.

The Philippine Plan for Gender-responsive Development (PPGD) is the successor plan of the Philippine Development Plan for Women which expired in 1992. The plan served as the main vehicle for implementing the Philippine commitments during the 4th World Conference in Beijing, China.

The PPGD is the framework that laid out the goals and strategies to mainstream gender equity in public programs and policies. It rests on a vision of development that is equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials, participatory, and empowering.

Among the strategies identified under PPGD include Gender and Development (GAD) mainstreaming through GAD focal points in all government entities, among others. There will also be economic strategies such as equal opportunities for training, jobs and growth, agrarian reform, protection of women overseas workers, etc. Socio-cultural strategies would include reforms in the public image of women and promoting the value of effective parenting, housework, marital care, and child care. There will also be addressing of political and legal issues through information education campaigns, materials for legal education of women, adopting gender-responsive laws, and increasing women's participation.

8. Republic Act 8435: The Agriculture and Fisheries Modernization Act (AFMA) of 1997

This law was enacted on 22 December 1997, and aims to define measures to modernize Philippine agriculture to enhance the country's competitiveness in the global market. The modernization was expected to improve the living conditions of farmers and fisherfolk and increase the productivity in the light of the growing markets.

The law has provisions for production and marketing support services, human resources, and research development and extension.

An important provision of the law is the establishment of Strategic Agriculture and Fisheries Development Zones (SAFDZ). The zones shall serve as centers where development in the agriculture

and fisheries sectors are catalyzed in an environmentally and socio-cultural sound manners. They are also mandated to formulate integrated development plans consisting of production, processing, investment, marketing, human resources, and environmental protection components.

9. Republic Act 8371: The Indigenous People's Rights Act (IPRA) of 1997, 29 October 1997

The Indigenous People's Rights Act mandated for the recognition and promotion of all rights of indigenous peoples; protection of the rights of indigenous cultural communities/ indigenous peoples to their ancestral domains; applicability of customary laws governing property rights; and preservation and development of their cultures, traditions, and institutions. The State shall consider these rights in the formulation of national laws and policies.

The State also recognizes the inherent right of indigenous cultural communities/indigenous peoples to self-governance and self-determination, at the same time they have the right of full participation at all levels of decision making in matters which may affect their right, lives, and destinies through a procedure determined by them. They should also be protected from discrimination and have right to equal opportunity and treatment. The National Commission on Indigenous Peoples (NCIP) was created to be the primary government agency responsible for the formulation and implementation of policies, plans, and programs relative to this law.

Chapter II Section 3 of IPRA defines ancestral domains as *“all areas generally belonging to [indigenous cultural communities] (ICCs)/[indigenous peoples] (IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors...”* On the other hand, the Certificate of Ancestral Domain Title (CADT) *“refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with this law.”*

Ancestral domains shall be maintained, managed, and protected and the ICCs/IPs shall be given the responsibility.

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

The Philippine Fisheries Code otherwise known as *“An Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto, and for other Purposes”* was passed in 1998 after several years of lobbying work by civil society organizations working with the fisheries sector. The Code sets food security as the overriding consideration in the utilization, management, conservation and protection of the fishery resources. It limits access to fishery and aquatic resources of the Philippines for the exclusive use and enjoyment of Filipino citizens, and provides preferential use of the municipal waters to the municipal fishers.

Sec. 4 # 58 of the Code defines municipal waters that *“include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters included between two (2) lines drawn perpendicular to the general coastline from points where the boundary lines of the municipality touch the sea at low tide and a third line parallel with the general coastline including offshore islands and fifteen (15) kilometers from such coastline. Where two (2) municipalities are so situated on opposite shores that there is less than thirty (30) kilometers of marine waters between them, the third line shall be equally distant from opposite shore of the respective municipalities.”*

Section 108 of the Code mandated the creation of fisherfolk settlement areas, to be located in certain areas of the public domain, though it also says *“nothing in this section shall be construed to vest*

ownership of any resettlement area to a municipal fisherfolk for whom said areas may have been reserved for or had been actually granted to”.

Meanwhile on 28 July 2014, Republic Act 10654 known as “An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending Republic Act No. 8550, otherwise known as ‘The Philippine Fisheries Code Of 1998, and for Other Purposes’” was approved. The amendment increased the penalties for commercial fishing violators and poachers, and mandated the installation of monitoring, control, and surveillance system on all flagged Philippine fishing vessels.

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

Aside from the regulations governing the application of Fishpond Lease Agreements (FLAs), this Order describes how to apply for Aquasilviculture Stewardship Contracts (ASC). Fisherfolk cooperatives and associations as well as micro, small and medium enterprises (MSMEs) duly registered under Philippine laws have preference in applying for ASC.

The terms and conditions of the ASC or FLA are also laid out in this Administrative Order. Among the notable terms is the required production in kilograms, which is 1,500 kilograms of fish per hectare per year by the 5th year from the approval of the FLA, and 1,000 kilograms per hectare per year by the 5th year from the approval of ASC.

Process for cancellation of ASC or FLA is also laid out in the Administrative order, with grounds that include non-adherence to good aquaculture practices as well as abandonment, non-development or underutilization of the area.

11. Republic Act 9003: Ecological Solid Waste Management Act of 2000

A Philippine law that can help control pollution, which is an important issue in the VGSSF, is the Ecological Solid Waste Management Act of 2000. The law aims to ensure protection of public health and the environment, and to set guidelines and targets for solid waste avoidance and reduction through source reduction, among others.

The law mandates the establishment of the National Solid Waste Management Commission, composed of the heads of 14 government agencies and three members from the private sector. The Commission is tasked to oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of the law.

Provincial and City/Municipal Solid Waste Management Boards are also created by virtue of the law. These Boards are crucial to the achievement of the objectives of the law, especially the waste reduction and management at source, collection and transport.

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

The Wildlife Resources Conservation and Protection Act was passed to conserve and protect the wildlife species and their habitats to promote ecological balance and enhance biological diversity; regulate collection and trade of wildlife; pursue the Philippine commitments to international conventions; protection of wildlife and their habitats; and, to initiate or support scientific studies on the conservation of biological diversity.

The DENR has jurisdiction over terrestrial species, all turtles and tortoises and wetland species, while DA has jurisdiction over all declared aquatic critical habitats, all aquatic resources including fishes, aquatic plants, invertebrates and all marine mammals except *dugong* or sea cows.

Collection of wildlife may be allowed by the Secretary based on best available scientific information. Collection of wildlife by indigenous peoples may be allowed for traditional use and not for trade, provided that threatened species are not covered.

Restocking of endemic indigenous wildlife are allowed for population enhancement, while exotic species shall not be introduced in the country without clearance from the Secretary. Introduction of exotic species in protected areas and critical habitats are not allowed.

Fines and penalties are mandated by this law for persons undertaking illegal acts. Penalties include imprisonment and fines.

Wildlife enforcement officers are deputized to seize illegally traded wildlife and arrest violators of this act. Wildlife Rescue Centers and Wildlife Traffic Monitoring Units are also established.

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

The Magna Carta of Women is a comprehensive women's rights law that seeks to eliminate discrimination through the recognition, protection, fulfillment, and promotion of the rights of Filipino women especially those belonging to the marginalized sector. The law is the local translation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

Among the important highlights of the law is giving equal status to men and women on titling of land and issuance of stewardship contracts and patents.

The formulation of the law underwent series of consultations and the women fishers sector was able to reiterate that the definition of fisherfolk be those that are directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not limited to, women engaged in fishing in municipal waters, coastal and marine areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell gatherers, managers and producers of mangrove resources, and other producers.

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

The Climate Change Act was approved on 23 October 2009, after the country was hit by Typhoon Ketsana in September of the same year. The law aims to mainstream climate change as well as disaster risk reduction into government policy formulations; establish the framework strategy and program on climate change; and, create the Climate Change Commission (CCC) as the mechanism to ensure implementation of the law.

As mandated by the law, CCC facilitated the formulation of National Climate Change Action Plan (NCCAP), which was supposed to be translated into Local Climate Change Action Plan (LCCAP); however, there was no clear mechanism on how the NCCAP will be adopted by the local government units to form basis of their LCCAPs.

Meanwhile, the law was amended by the People's Survival Fund (PSF) Law on 16 August 2012. The amendment aims to provide long-term finance to enable government to effectively address the problem of climate change. The law mandated for a Php 1-Billion under the General Appropriations Act (GAA) be allocated for the said fund, and in case it is not fully disbursed, it shall not revert to the general fund.

PSF may be augmented by donations, endowments, grants and contributions which shall be exempted from donor's tax and be considered allowable deductions from gross income of the donor.

PSF funds shall be used to support adaptation activities of local governments and communities. A PSF Board is formed to facilitate the local government and community access to the fund.

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

The Philippine Disaster Risk Reduction and Management Act was signed on 27 May 2010. It aims to strengthen disaster risk management in the country. It repealed Presidential Decree 1566 that created the National Disaster Coordinating Council. The new body formed is the National Disaster Risk Reduction and Management Council (NDRRMC) with counterparts at the local level – the Local Disaster Risk Reduction and Management Council (LDRRMC).

The law also provides for the formulation of National Disaster Risk Reduction and Management Framework (NDRRMF) and corresponding National Disaster Risk Reduction and Management Plan (NDRRMP). As with the Climate Change Act, this law also mandates the coordination between NDRRMC and CCC for the Climate Change Adaptation-Disaster Risk Reduction (CCA-DRR) framework from which all policies, programs and projects shall be based.

The law also mandated that the former calamity fund appropriated under the General Appropriations Act (GAA) will be known as National Disaster Risk Reduction and Management Fund and shall be used not only on disaster response but more so on disaster risk reduction or mitigation.

16. Laws for Local Implementation

a. An Act Adopting the Strategic Environment Plan for Palawan

The Strategic Environmental Plan (SEP) is a comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province. It is to guide the local government of Palawan and government agencies concerned in the formulation and implementation of plans, programs, and projects in the province (RA 7611, Section 4).

The establishment of Environmentally Critical Area Networks (ECANs) is the main strategy of SEP, which includes terrestrial, coastal/marine areas and tribal ancestral land. Zones are established in these areas where there will be core/maximum protection zones, buffer zones, and multiple/manipulative areas.

Republic Act 7611 or the “Act Adopting the Strategic Environmental Plan for Palawan” is anchored on State policy to protect, develop, and conserve its natural resources. Thus, it is to support and promote the sustainable goals of the province through proper conservation, utilization, and development of natural resources to provide optimum yields on continuing basis.

Total commercial log ban is pursued to conserve and protect the forest, as well as measures leading to institutional machinery for the effective implementation of environmental plans, programs, and projects.

Involvement of all sectors including indigenous peoples is also encouraged under the law.

II. Assessment of the VGSSF vis-à-vis Philippine Laws and Policies

A. Framework

The Water Code, Fisheries Code and Local Government Code provided the overall framework on the use of water and fishery resources giving preference to small-scale fishers. While the Code declared that all waters belong to the State, it also mandated, among others, that riverbanks and seashore as easement of public use in the interest of fishing. Fishing is an activity that allows access to the easement zones. Meanwhile, although mainly for taxation purposes, the Local Government Code mandated the 15 kilometers from the shoreline as municipal waters and under the jurisdiction of the local government. This helped lay the foundation for the preferential use of municipal waters by the municipal/small-scale fishers.

RA 8550 further strengthened the preferential use of municipal fishers in the nearshore waters (defined as municipal waters, 15 kilometers from the shoreline). It also mandated the creation of fisherfolk settlement areas that can help protect small fishers' access to the fishing ground.

Aside from covering the *General Principles* of VGSSF, the abovementioned Codes also covered the guidelines under *Responsible Fisheries and Sustainable Development*, particularly on 'Governance of Tenure in Small Scale Fisheries and Resource Management.' The Codes recognize and mandate the involvement and participation of stakeholders in governance and natural resource management; and the provision of services required for 'Value Chains, Post-harvest and Trade.'

Policy coherence was mentioned in all three Codes as part of the reasons for their formulation and approval. However, it was only the Fisheries Code that provided for the continuous information research through the fisherfolk registration and boat registration, with platforms accessible to local stakeholders. Capacity development, especially for municipal fisherfolk organizations, is also covered by the Fisheries Code to ensure effective engagement of the sector in resource management.

B. Sector-Based and Tenure Reforms

The five laws and policies studied under 'Sector-Based and Tenure Reforms' all covered in part the general principles of VGSSF. 'Respect for Human Rights and Dignity,' respect of cultures as well as equity and equality are evident for indigenous peoples through the IPRA as well as in CBFM. While labor is emphasized through the Labor Code and the DOLE 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). Gender rights are also secured in the Magna Carta of Women and the Philippine Plan for Gender Development.

Sustainability of water, forest, and fishery resources as well as holistic and integrated approach is part of the basis of IPRA, Labor Code, and the CBFM strategy.

The CBFM also reflects the VGSSF guidelines on 'Value Chain, Post-harvest, and Trade' since it recognizes the indispensable role of local communities in forest protection, rehabilitation, development, and management; and that entrusting the responsibility to the community of stakeholders and affording them equitable access to forest and coastal resources are viable management strategies.

Social responsibility and promoting community solidarity are manifested in the laws studied through the free, prior, and informed consent for indigenous peoples, mandating the local special bodies in the Local Government Code and the formation of Fishery Aquatic Resource Management Councils (FARMCs) as mandated by the Fisheries Code.

The CBFM strategy covers the guidelines on governance and resource management. The IPRA also covers the said guidelines as it mandates for the indigenous peoples to manage the resources in their ancestral domains in a manner consistent with the cultures. Both the IPRA and Labor Code cover the guidelines on sustainable development, employment, and decent work. Meanwhile, the target of CBFM is on restoration for the stability of ecosystem as protection against disasters and climate change.

Gender equality is covered by Magna Carta and the Philippine Plan for Gender Development. IPRA also ensures gender equality, as equal protection and non-discrimination of indigenous peoples are secured by the law consistent with international laws including the Convention on CEDAW. Also, rights of indigenous women and services that should be provided to them are detailed in Section 26 of IPRA.

Recognition of the role of ICCs/IPs in resource protection and management that addresses the problem of coastal habitat destruction also contributes to the attainment of the guidelines on disaster risk and climate change.

On ‘Enabling Environment,’ IPRA reflects the guidelines on policy coherence by mandating the formulation and implementation of Ancestral Domain Sustainable Development and Protection Plan (ADSPP). This is an integrated, holistic strategic plan for each declared ancestral domains claimed by the ICCs/IPs using spatial planning approaches.

IPRA and Labor Code covers ‘Capacity Building’ since these laws mandate the development of skills development program for IPs and workers through the National Manpower Development Program and Education Program of NCIP and DOLE, respectively.

C. Natural Resource Management, Protection and Use

The six laws under ‘Resource Management, Protection and Use,’ have different emphasis. While these laws are for the sustainable use of the resources, AFMA places emphasis on sustainable use and modernizing agriculture and fisheries, while the Forestry Reform Code, Wildlife Act, and The Act Adopting the Strategic Environmental Plan for Palawan focuses on the protection, development, and rehabilitation of natural resources to ensure continuity in productive conditions.

AFMA covers the VGSSF guidelines on ‘Value Chain, Post-harvest and Trade’ while the Forestry Code puts emphasis on the protection of forests, especially mangrove forests, which protect the shoreline and coastal communities from the destructive force of the sea during high winds and typhoons.

The Philippines have a system for classifying protected areas, mandated by the NIPAS Act of 1991. Areas found to be outstandingly remarkable and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems are designated as “protected areas.”

Areas under NIPAS are approved through Presidential Proclamation, such as in the case of Biri Larosa Protected Landscape and Seascape (Proclamation No. 291) and Samar Island Forest Reserve (Proclamation No. 4422).

Proclaimed Protected Areas (PAs) are managed by PAMB, where local organizations are represented and able to participate in policy and program formulation.

Aside from NIPAS-mandated areas, there are numerous protection mechanisms implemented at the local level through municipal and provincial ordinances, e.g. Fish Sanctuaries, Marine Protected Areas

(MPAs), Marine Reserves, Demarcated Fishery Areas, Mangrove Reserve, etc. Local communities also get to participate in the management of these areas particularly through the Fishery Aquatic Resource Management Councils (FAMRCs), the multi-stakeholder council mandated by the Fisheries Code.

IPRA is a law that places in the hands of the ICCs/IPs the sustainable utilization and management of the natural resources within the ancestral domains, including ancestral waters; and thus, covers a significant number of provisions in the VGSSF.

Protection and regulations on the utilization of wildlife, on the other hand, are governed by the DENR for the terrestrial and wetland species, and DA for the aquatic critical habitats, aquatic resources except dugong. Wildlife Enforcement Officers are delegated to arrest violators of the law.

The Strategic Environmental Plan for Palawan has the Palawan Council for Sustainable Development (PCSD) as the mechanism for its implementation. The provisions of these laws address in part the sustainable resource management provisions of the VGSSF.

D. Risk Management

The Climate Change Act is focused on the creation of CCC whose major task is the formulation of framework strategy and programs on climate change, and the National Climate Change Action Plan. This plan is supposed to be adopted at the local level; however there is no clear mechanism on how the CCC will ensure such, except through coordination with the DILG, and the local government units. There is also no clear link between climate change and the need to secure the tenure rights of the people, especially the small-scale fishers.

The Philippine Disaster Risk Reduction and Management Act is also focused on institutional frameworks, particularly on transforming the National Disaster Coordinating Council (NDCC) into NDRRMC and the respective regional and local DRRM councils. There is also no clear link between disasters and ensuring the security of tenure of small scale fishers – e.g. provisions for fisherfolk settlement areas.

The Ecological Solid Waste Management Act, on the other hand, is the country's major policy in addressing the problem of pollution caused by solid waste. The law is anchored on the State policy of ensuring the protection of public health and environment. This law can help implement VGSSF principle of integrated and holistic approach to address disaster risk and climate change in small scale fisheries.

E. Provincial/Municipal or City/Local Ordinances

Local governments from the provincial to barangay level are granted with local legislative power by virtue of Chapter III, Section 48-59 of the Local Government Code. Legislations are in the form of resolutions or ordinances. Legislations approved by Barangay Councils are subject for review by the Municipal Council while legislations approved by the Municipal/ City Councils are subject for review by the Provincial Councils.

Management of municipal/city waters (those that are 15 kilometers from the shoreline) are implemented by the local government through a Comprehensive Municipal (or City) Fishery Ordinance and thus it is important that the ordinance reflects the principles of the VGSSF. Civil society organizations working in the fishery sector engage the local government officials as well as the fisherfolk organizations to make sure the ordinance serves the best interest of the small fisherfolk. The NGOs for Fisheries Reform (NFR) for instance, drafted a Model Comprehensive Fishery Ordinance which serves as guide for local government officials in ensuring that necessary elements of fishery

management are covered by their ordinance. In 2016 the model ordinance was revised to incorporate any changes brought about by the recently approved Republic Act 10654.

Central to the management of municipal/city waters is the determination of the boundary, and local government units are mandated to delineate their respective waters through the National Mapping and Resource Information Authority (NAMRIA). However, the lack of clear guidelines on delineation especially of the municipalities with offshore islands hampered the completion of this mandate.

There are locally-managed resource management tools mandated through local ordinances, e.g. fish sanctuaries, marine protected areas, demarcated fishery areas, among others. Governance of these areas are mandated by local ordinances and managed by deputized fish wardens with the Fishery Aquatic Resource Management Councils. Annual budget allocation are also set by the local government for the management of these areas.

III. Scoping of roles, tenurial and resource management instruments, and programs for fishery sector of selected government agencies

Following are the selected government agencies that have roles and programs for the fishery sector that can play a role in implementing the VGSSF in the Philippines.

A. National

1. Bureau of Fisheries and Aquatic Resources

BFAR is the principal and competent government agency responsible for the development, improvement, management, and conservation of the country's fisheries and aquatic resources contributing to reducing poverty and providing supplementary livelihoods among municipal fisherfolk; improving aquaculture productivity within ecological limits; making optimal use of offshore and deep sea resources; and helping upgrade post-harvest technologies (Department of Agriculture Administrative Order No. 3, series of 1998).

With the devolved function of BFAR at the LGU level, BFAR assists LGUs on Coastal Resource Management (CRM) planning based on their needs.

BFAR recognizes the need of the fishery sector for access to water resources in the light of ongoing developments such as reclamation and other structures, as well as encroachment of commercial fishing operations in municipal fisherfolk areas that may exacerbate issues on water resources. Hence, it is important that the municipal water delineation be completed. However, approval of the guidelines for its implementation, particularly in municipalities with offshore islands, remains pending in the Supreme Court. At present, BFAR could only do so much as following up the Supreme Court to fast track the decision on this matter. For the municipalities without offshore islands, mapping of municipal waters is done by the LGU concerned and NAMRIA with BFAR providing technical assistance.

BFAR is implementing ecosystems approach to fishery management through the establishment of FMAs. In FMAs, the important element is inter-LGU cooperation and establishment of zonation where access and control of fishers are clearly laid out. Hence, FMAs can be implemented even in areas not yet delineated.

Bantay-Laot program is also implemented by BFAR where these *bantays* serve as sea watchers or sea guardians of nationally-declared FMAs during closed season. They are provided with monetary incentives of around Php 1,000 to Php 2,000. This is an ongoing project started in 2016 which was piloted in Davao.

BFAR implements coastal resource management and poverty alleviation projects through foreign assisted projects such as the Fishery Resource Management Project (FRMP) and Sustainable Management of Coastal Resources (SUMACORE).

On data management, BFAR continues the municipal fisherfolk registration through FishR, boat registration through BoatR, and gear registration through GearR. As of the third quarter 2017, there are 1.8 million registered municipal fishers where around 800,000 are into capture fisheries. BFAR noted that most of the registered fishers are over 60 years of age, which may be a good factor in terms of easing fishing pressure but may also demonstrate negative potentials in terms of providing fish supply in the long run. Those whose children get better-paying jobs tend to stop fishing. If this trend continues, the country may not have enough sources of fishery products in the future.

On capacity building assistance, 80 percent of the training courses conducted by BFAR are on technologies on fish capture such as gear-making, post-harvest technologies and aquaculture. On post-harvest, most of the training participants are women, especially in seaweed development programs.

BFAR recognizes that there is a gap on values orientation and giving importance to fisheries as livelihood.

Other technical assistance provided by BFAR particularly to LGUs include rapid assessment for the identification of fish sanctuaries, provision of buoys and guardhouses, deputizing fish wardens, and strengthening FAMRCs.

On addressing vulnerabilities, BFAR is developing its Manual of Operations which will include disaster risk preparedness and climate change adaptation guidelines for fisherfolk.

On fisherfolk settlement, BFAR is constrained by the lack of mandate to build housing projects for the fishers. They see zoning and Comprehensive Land Use Planning (CLUP) as areas where fisherfolk settlement can be raised or addressed.

BFAR is implementing the Community Fish Landing Center (CFLC) project. CFLCs are to be constructed in each municipality which the fisherfolk community can utilize for marketing, training, and post-harvest facilities. Having portable ice-making facilities are being worked out for each CFLC. BFAR believes the CFLCs can help ensure fisherfolk's access to fishing grounds with centers identified and located in strategic areas along the shoreline.

2. Department of Agriculture

BFAR is a bureau attached to the Department of Agriculture. DA is the government agency mandated to promote agricultural development by providing policy framework, public investment and support services. It should improve farm income and generate work opportunities for farmers, fisherfolks and other rural workers. It shall encourage people's participation through sectoral representation in agricultural policy making bodies so that the policies, plans, and programs of the department are responsive to the needs of the sector (DA, 2017).

DA fulfills its mandate of encouraging people's participation through the organization of *Philippine Council for Agriculture and Fisheries (PCAF)*. PCAF provides services to nationwide network of private

sector-led consultative councils at the national, regional, and local levels for the formulation of sound policies, plans, and programs.

The advisory special bodies of PCAF includes the National Agriculture and Fisheries Council (NAFC) composed of the government agencies, league of provincial governors, city and municipal mayors, NFARMC, regional agriculture and fisheries councils, and national farmers and fisheries organizations.

There are also National Sectoral Committee (NSC) and Strategic Concerns Committees (SCC). For instance, the Committee on Fisheries and Aquaculture (CFA) is one of the committees of NSC while Agriculture and Fishery Mechanization (AFM) is one of the committees of the SCC.

a. Bureau of Agriculture and Fisheries Standards (BAFS)

The **BAFS** was established in December 1997 as specifically provided by Republic Act No. 8435 or the Agriculture and Fisheries Modernization Act of 1997. The law's policy states that all sectors involved in the production, processing, distribution and marketing of food and non-food agriculture and fishery products shall adhere to, and implement the use of product standards in order to ensure consumer safety and promote the product competitiveness.

BAFS' major duties include formulating and enforcing standards of quality in the processing, preservation, packaging, labelling, importation, exportation, distribution, and advertising of fresh, primary, and secondary-processed agricultural and fisheries products. It provides assistance in establishing scientific basis for food safety, trade standards, and codes of practice and harmonizes them with internationally-accepted standards and practices. BAFS also serves as the National Technical and Administrative Secretariat to the National Organic Agriculture Board or NOAB (BAFPS-DA, 2017).

b. Agricultural Credit Policy Council

The Agricultural Credit Policy Council is an attached agency of the Department of Agriculture. It is tasked to undertake the following functions:

- conduct policy research studies to come up with timely and reliable recommendations on appropriate credit policies and programs for the agriculture and fisheries sector;
- conduct action research studies on innovative financing schemes for small farmers and fisherfolk;
- oversee the implementation of agricultural credit and guarantee programs to ensure that credit is truly made available and accessible to small farmers and fisherfolk; and,
- empower the rural finance sector by facilitating institution-building programs for countryside financial institutions, including cooperatives and other people's organizations as well as for their farmer and fisherfolk members.

Among the credit programs implemented by the Council is the Agriculture and Fisheries Financing Program. The program provides small farmers and fisherfolk (SFF) registered in the Registry System for Basic Sectors in Agriculture (RSBSA) an easier access to formal credit to finance their agri-fishery production activities other than rice and corn. The program is implemented in partnership with the Land Bank of the Philippines (LBP) through direct and conduit lending. The DA Secretary has issued instruction that small scale fishers should be prioritized in this program.

The program has priority provinces, namely: Abra, Apayao, Aurora, Batanes, Benguet, Cagayan, Ifugao, Ilocos Norte, Isabela, Kalinga, Masbate, Palawan, Nueva Vizcaya, Romblon and Zambales.

3. National Anti-Poverty Commission

The National Anti-Poverty Commission (NAPC) was established based on Republic Act 8425 or Social Reform and Poverty Alleviation Act of 1997. It serves as coordinating and advisory body for the implementation of social reform and poverty alleviation agenda. It coordinates with different national government agencies as well as local government units to assure full implementation of social reform and poverty alleviation programs, and advocates for mobilization of funds for the said programs. The NAPC also recommends policies and other measure to ensure responsive implementation of commitments under the Social Reform Agenda (NAPC, 2017).

The NAPC has 14 basic sectors which includes the artisanal fisherfolk. The NAPC Vice-Chair for Artisanal Fisherfolk Sectoral Council (AFSC) had been coordinating with BFAR and housing agencies such as National Housing Authority (NHA) for the implementation of fisherfolk settlement program. It is a top priority of the council as it contributes in ensuring security of tenure, accessibility to source of sustainable livelihood, and reduce vulnerability to natural and man-made disasters.

NAPC-AFSC has been working to advance the fisherfolk settlement issue; convening technical working groups; drafting proposed administrative orders; implementing rules and regulations; and, identifying pilot sites for fisherfolk settlements. To date it has convened a technical working group that will contribute resources, expertise, and mandates for pilot implementation in initial 10 areas across the country.

4. Department of Environment and Natural Resources

The Department of Environment and Natural Resources (DENR) is the primary agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law to ensure equitable sharing of the benefits derived there from for the welfare of the present and future generations (DENR, 2017).

Meanwhile the Forest Management Bureau is DENR's arm in the effective protection, development, and conservation of forest lands and watersheds. It recommends policies and programs towards the achievement of sustainable forest management based on science and principles of good forest governance (FMB-DENR).

One of the objectives of the Department is to assure the availability and sustainability of the country's natural resources through judicious use and systematic restoration or replacement, whenever possible. One of the priority programs is the National Greening Program (NGP). The NGP is a massive forest rehabilitation program of the government established by virtue of Executive Order No. 26 issued by former President Benigno Aquino III on 24 February 2011. The program seeks to grow 1.5 billion trees in 1.5 billion-hectare lands nationwide in a period of six years, from 2011 to 2016. Areas eligible for rehabilitation under NGP include mangrove and protected areas, where fisherfolk organizations can be contracted to undertake the project.

In 2015 the Executive Order 193 was signed, expanding the coverage of the NGP to cover the remaining unproductive, denuded and degraded forest land. The period of coverage was also extended from 2016 to 2028. The NGP expansion was also in line with the Master Plan for Forestry Development (2016-2028) that seeks to harmonize all forest development activities that will encourage and enhance development of forest plantations, with greater participation from the private sector, government units and organized upland communities.

The NGP is implemented by any registered people's organizations; holder of Community-Based Forest Management Agreement (CBFMA) or Protected Area Community-Based Resource Management Agreement (PACBRMA) that is of good standing with the agency; local government units interested to implement the program within their administrative jurisdiction; or any sole proprietorship, corporation, cooperative or organizations duly registered under Philippine laws. Fisherfolk organizations can be involved in NGP through rehabilitation and management of mangroves and beach forest areas.

5. Department of Labor and Employment

The Department of Labor and Employment (DOLE) is the primary policy-making, programming, coordinating and administrative government agency in the field of labor and employment. It assumes the primary responsibilities of promoting gainful employment opportunities and optimizing the development and utilization of the country's manpower resources; advancing workers' welfare by providing for just and humane working conditions and terms of employment; and maintaining industrial peace by promoting harmonious, equitable, and stable employment relations that assure equal protection for the rights of all concerned parties.

Among DOLE's mandate are enforcement of social and labor legislations to protect the working class and regulate the relations between the worker and employer, formulate general guidelines concerning wage and income policy, providing for safe, decent, humane and improved working conditions and environment for all workers, particularly women and young workers.

In pursuit of their mandate the agency issued the Department Order 156-16 on the "Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operations" in June 2016. The order mandates for commercial fishing vessel operators to provide boat workers benefits such as minimum wage, holidays, overtime pay, night differentials, service incentives, 13th month pay, and leaves including leave for victims of violence against women and children. There should also be adequate supplies and services on board, and fish workers should have access to medical services.

Meanwhile, fishers also have responsibilities on complying with lawful orders of the boat captain and attend occupational training courses as needed.

Unfortunately the implementation of the order is still on hold due to the concerns raised by the industry representatives during the Visayas Consultation held in the Cebu last 19 November 2016. Comments are still gathered for the finalization of the said order.

6. National Commission on Indigenous Peoples

The National Commission on Indigenous Peoples (NCIP) was created to be the primary agency responsible for the formulation and implementation of policies, plans, and programs relative to the Indigenous People's Rights Act. Its primary mandate is to protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, and institutions.

NCIP is the agency authorized to issue certificate of ancestral land/domain titles, negotiate for funds, and accept donations and grants subject for approval of the President.

Certificate of Ancestral Domain Title (CADT) can be acquired by submitting application with necessary proofs that the area is occupied by the ICCs/IPs. The area will be delineated by a community delineation team. There will be evaluation and validation of submitted documents, information dissemination, perimeter survey, and eventually the CADT registration.

Among the programs and services NCIP provides to indigenous peoples include:

- Policy services;
- Certificate of ancestral domain title services;
- Human and economic development services; and,
- IP rights protection services.

B. Regional/Provincial/Municipal/Local

Management of community-based forestry projects, enforcement of fishery laws including conservation of mangroves, management of municipal waters as well as communal forests are devolved to the local government units (LGUs).

There is a Joint Memorandum Circular Order by the DENR, DILG, and LGUs that explains their devolved functions with other government agencies on land use planning.

LGUs are also mandated to approve ordinances and resolutions for the protection of the environment and impose penalties for acts which endanger the environment.

IV. Issues and Recommendations:

A. Findings of general review of literature

As stated in the VGSSF, tenure rights to land in the coastal/waterfront area are critical for ensuring and facilitating access to the fishery, for accessory activities (including processing and marketing), and for housing and other livelihood support. The health of aquatic ecosystems and associated biodiversity are a fundamental basis for their livelihoods and for the subsector's capacity to contribute to overall well-being.

However there are issues and problems that hinder the enjoyment of small-scale fishers of tenure rights. The health of fishery resources is also degraded, limiting the small-scale fishers' capacity to contribute to overall well-being. Among the issues and concerns faced by the small-scale fishers are:

1. On Governance of Tenure of Small-scale Fishers:

Small-scale fishing communities do not have secure tenure rights to resources that serve as the basis for their social and cultural well-being. While the establishment of fisherfolk settlement is mandated by RA 8550, there still no clear guidelines on how this will be implemented. BFAR is currently establishing the CFLCs envisioned to help fisherfolk secure access to coastal areas, but the mechanism on assessing its effects is yet to be in place.

On the use of municipal waters, the law mandates that municipal waters are for the use of small-scale fishers, but delineation of municipal waters has not been completed. Currently, there are no accepted guidelines for delineating the waters of municipalities with offshore islands, and even the waters of municipalities without offshore islands are yet to be completed.

The coverage of municipal waters as defined by the Local Government Code and the Fisheries Code is in direct conflict with the IPRA. According to De Vera and Zingapan (2017), existing laws of the country do not vest private ownership to any body of water, which are considered a part of the public domain in perpetuity. Ancestral waters of the IPs such as the one of Tagbanwa in Coron physically overlaps with the municipal waters of the LGU of Coron. Hence, issues and conflict in jurisdiction as well as authority to zone the ancestral waters vis-à-vis the Municipal waters and regulate activities arise.

The case of Coron shows overlapping or conflicting laws in the management of ancestral waters as mandated by IPRA and municipal waters by the Fisheries Code

Coron Island is host to two villages located in Barangays Cabugao and Banwang Daan, both are populated predominantly by Tagbanwa.

The Tagbanwa of Cabugao and Banwang Daan do not primarily depend on agriculture for their subsistence. Their real income comes from two sources: 1) fish and other aquatic resources, such as *tekbeken* (octopus), *balat*, *samung*, *latuk* (edible seaweed) and others; and, 2) edible birds' nests or *luray* for those who own clan caves.

The role of the elders (*mepet*) and parents are highly valued and respected in the Tagbanwa society. The *mepet* are traditionally consulted on matters affecting the clans and on important issues affecting both communities. They prescribe sanctions and mete out penalties for infractions against customary, and sets the rules over disputes on ancestral lands and resource extraction. Hence, in the past, the *mepet* were held in high regard for their knowledge of customary laws and played important roles in decision-making for the community.

The *mepet* define the reserved areas including the “no-go” zones as well as the *panyaan* (aquatic areas) and the *amlaran* (terrestrial areas) which are both traditionally avoided by Tagbanwa because of a belief that certain areas are sensitive or remain under the influence of an unseen, spirit world.

These reserved areas are not coincidentally ecologically intact and sensitive areas. The *awuyuks* (sacred lakes in Coron), for example, are part of Coron Island's precious watershed and shelter the swiftlet caves, which are so valuable to the Tagbanwa income. The *panyaan* too are areas, which remain pristine and not a few, are adjacent to fish hatcheries or sanctuaries.

However the introduction of the *barangay* system of political governance brought a profound change to their customary political structures. There was no place for the council of elders in the *barangay* system and the local government structure tended to centralize decision-making and services with the municipal government and with Puerto Princesa.

The Tagbanwa Foundation of Coron Island or TFCI was organized in 1985 as a response to three issues that confronted the Tagbanwa community: 1) the public bidding or *subasta* of the Tagbanwa clan caves carried out by the municipal government; 2) the influx of migrant settlers into Coron Island, most especially into Delian Island.; and, 3) the issuance of tax declarations by the municipal assessor on parcels of Tagbanwa land to outsiders.

In 1985 the TFCI began to apply for a Community Forest Stewardship Agreement (CFSA) with the DENR covering the islands of Coron and Delian. After years of persistence, the application was granted in 1990 and following the conditions set forth in the agreement, the DENR returned the clan caves to the TFCI and rescinded all the tax declarations issued on both islands.

From meetings and exchanges held by and within the TFCI board members and *barangay* leaders regarding the scope of their ancestral land claim, it was clear that the Tagbanwa's home ranges included not only the ancestral islands but also the traditional fishing grounds, fish sanctuaries, diving areas for *balat* and *samung* and other submerged areas that were threatened with destruction. It was realized that the CFSA was not equipped to protect these vital areas since the tenure instrument was limited to lands in the public domain. After studying the land tenure options, a consensus was reached to take advantage of PCSD's founding charter, Republic Act 7611 passed on 19 June 1992, that expanded the definition of ancestral domains in Palawan to include coastal zones and other submerged areas. On 19 February 1993, seven Coron *barangays* filed an application for a CADC with the CENRO, seeking support from the PCSD, the mayor, and other municipal executives.

After four years of working together and advocating for their CADC application in different government agencies and fora, the seven Tagbanwa foundations federated into the Saragpunta, a name that was hewn from the word *saragpun*, which means “let us gather.” Today Saragpunta consists of several community organizations based in the following areas: Coron Island, Delian Island, Bulalacao Island, Camanga Islands, Napaskud Island, Tara Islands, Turda, Buenavista, and Malawig in the municipality of Coron; Biong in the municipality of Culion; and Calait in the municipality of Busuanga.

The processes that the Tagbanwa undertook to formally define the extents and generate evidences and proofs of time-immemorial ownership and Governance of their Ancestral Domains are detailed as follows:

1. Community Meetings and Informal Exchanges
2. Bases for the Boundaries of the Ancestral Domain
3. Community Sketch Maps
4. Global Positioning System (GPS) Surveys
5. Map Validation
6. Advocacy to PCSD, CENRO, PSTFAD, and the DENR

The maps became important tools to introduce, locate, explain, and convince government authorities and policy makers of the vital importance of the ancestral waters to the continued survival of Calamian Tagbanwa communities. The maps and their technical description were validated by the PSTFAD and were presented to the PCSD and the Coron Municipal Council. The maps and other basic documents of the CADC application were forwarded to the Regional Office for Region 4B, and consequently endorsed to the Office of the DENR Secretary. In all the hearings where the maps and other documents were presented, not a single opposition disputed the veracity of the evidence (the historical accounts, place names, and the claim of the Calamian Tagbanwa).

In response to the Saragpunta’s application, the Coron Sangguniang Bayan filed more than 14 municipal resolutions opposing the ancestral domain claim. The Council cited the interest of the burgeoning tourism industry, large-scale commercial fishing, as well as the entry of the European Union (EU)-funded conservation program for the Integrated Protected Areas. The municipal council, however did not dispute the evidence that the Calamian Tagbanwa, have held time immemorial possession, occupation and utilization over these areas.

Addressing the counter-claims filed to reduce the Coron Island application, then Undersecretary Antonio La Viña used the maps as bases for his decision to recommend the recognition of the Coron Island CADC.

On 12 June 1998, the Tagbanwa struggle for recognition of their ancestral aomain (land and water) finally came into fruition. The CADC of Coron island consisting of 22,400 hectares of land and waters was signed and approved by then DENR Secretary Victor O. Ramos after an exhaustive review of the claim.

In 2002, five years after the enactment of IPRA, the National Commission on Indigenous Peoples (NCIP) converted the Tagbanwa’s CADC into a Certificate of Ancestral Domain Title (CADT) – a legal title formally recognizing the rights of possession of IPs over their ancestral domains identified and delineated in accordance with the rules of the IPRA. Upon further review of the claim, in 2002, the NCIP promulgated Administrative Order 1, series of 2002 that determined with finality the validity of the CADT. After the review and revalidation, the total area of the CADT increased by 2,236 hectares from their previous coverage of the Tagbanwa’s claim.

The approval and issuance of the Coron CADT served as a precedent for the recognition of two other CADT claims in Northern Palawan, which included substantial parts of the ocean and aquatic resources. In 2008, the CADT application of the Tagbanwa of Calait Island covering 55,539.1057 hectares (93 percent or 51,855 hectares as ancestral waters), was approved and was later awarded in March 2010. The CADT of the Tagbanwa communities in *barangays* Tara, Malawig and Buenavista covering at least 75,639.39 hectares was also approved in 2010, but has not been awarded as of this writing.

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

2. Sustainable Resource Management

The State has not yet enacted the affective policies and measures for long-term conservation and sustainable use of fishery resources, as evidenced by stagnant levels of fish catch. Fisheries production has remained relatively stagnant at 1 to 1.4 million metric tons per year. Natural resource degradation continues in both inland and coastal waters due to the prevalence of illegal activities not just in the waters but in lowland and upland areas as well.

Mangrove degradation has been continuing. The National Greening Program has not been effective in rehabilitation of the mangroves because the program is overly focused on the number of propagules planted without due regard to the suitability of species and planting sites.

The case of Infanta in Quezon Province as an example of overlapping policies in the coastal waters

On 14 September 2000, the municipality and residents of Infanta (Protestant) filed a protest against the fishpond lease agreement (FLA) application of Macario Asistio Jr. (Protestee) over the 15.55694-hectare land situated in Barangay Binuasan. The complaint was filed under BFAR.

The area in contention was originally duly certified for fishpond development on 9 December 1957 by the Director of Forestry for Ramon Tuazon. Tuazon further requested the Director of Fisheries to submit a resolution to the town council, after which the municipality posed no objection to the conversion of the area. Hence, a 10-year FLA No. 1107 on 3 February 1959 to expire on 28 February 1969. Upon being awarded the FLA, Tuazon assigned the leasehold rights over FLA No. 1107 to the Development Bank of the Philippines (DBP) for a security of loan.

However, due to Tuazon's non-payment, DBP sold its leasehold rights to Ciriaco A. Reyes on 5 April 1960. Reyes was able to obtain a 25-year FLA No. 4460 on 5 December 1985, to expire on 31 December 2009.

But on 19 July 2000, FLA No. 4460 was cancelled due to abandonment of the area by Reyes. This was evident due to the full vegetation of second growth mangroves in the fishpond since 1992. Reyes also recommended that the interest over the area be transferred in favor of Asistio who applied for a new FLA for the area on 30 August 2000.

Protestant cited that the Protestee violated the following legal provisions:

- (1) Ministry of Natural Resources Memorandum Order No. 0030 and 0030 B series 1980, terminating the release of lands of public domain for fishpond purposes and banning the processing and issuance of FLA over areas in the Municipality of Infanta. This was issued by then Minister Jose Leido, Jr. ;
- (2) RA 8550 of 1998, Section 94 which states "it shall be unlawful for any person to convert mangroves into fishponds or for any other purposes" and Section 49 stating "all abandoned, undeveloped or underutilize of fishponds covered by FLAs not fully producing within five years from the date of approval of the lease shall automatically revert to public domain for reforestation";
- (3) Presidential Decree, Section 68 prohibiting the cutting of timber without permit;
- (4) DENR Administrative Order No. 21, Series 1992, Proclamation 2146, Presidential Decree 1586 which necessitate the conduct of an environmental impact assessment for environmentally critical areas such as mangrove areas;
- (5) DENR Memorandum Order No. 9817 issued on November 03, 1998 by then Sec. Antonio Cerilles, that prohibits the zonification of mangrove areas for fishpond development and releasing mangrove forestlands previously zonified as such; and,
- (6) Batas Pambansa No. 08 of the Municipality of Infanta issued on November 16, 1998 preserving the remaining mangrove areas in Infanta that are not previously cultivated or developed for fishpond for the benefits of the residents of Infanta.

After thorough study and deliberation, it was ascertained that the entirety of the 15.55694 hectares can still and should be reverted to its original mangrove state. Also, the area in contention is still under the jurisdiction of BFAR.⁸

Finally, no rights and no privileges have been given to Asistio since his application has not yet been approved.

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

3. Social Development, Employment and Decent Work

Small-scale fishers are still among the poorest of the poor. There are no social development safety nets to address the basic social needs of small-scale fishers, such as education, health services, financial services, social protection, and public infrastructure. Nor are there mechanisms in place to address issues related to decent work, in particular, occupational health and safety, including safety at sea of municipal fishers and commercial fish workers.

4. Disaster Risks and Climate Change

Disasters as well as fast and slow onset impacts are already felt by the small-scale fishers. They are the first to bear the brunt of extreme weather events, increase in sea surface temperatures already affect their livelihoods and rising tidal levels affect their settlement areas, but no clear policies on addressing the vulnerabilities of coastal communities. The two major laws on disaster risks and climate change made no mention of securing the tenure of affected communities especially of small scale fishers. There are no set policies on analysing the differential impacts of disasters and climate change especially on small-scale fishers.

5. Policy Coherence, Institutional Coordination and Collaboration

Holistic approach to fisheries management is difficult at the local level due to the following factors:

- a) Overlapping roles of agencies hamper the effective and coherent resource management. For example, mangroves, sea grass and coral reefs (fish habitat) are under the DENR jurisdiction while fish stock are under the DA-BFAR jurisdiction;
- b) DA-BFAR and DENR, the two agencies with major roles in small scale fisheries, are both devolved to the LGUs. Within the municipal local government unit (MLGU), the “representative” of DA-BFAR is the Fisheries Technician, while the Municipal Environment and Natural Resources Officer is the DENR’s representative. Unfortunately, not all MLGUs have these two technicians within their personnel rosters; and,
- c) There is lack of consolidation of local development plans, specifically the Municipal Comprehensive Land Use Plans (MCLUPs), Barangay Development Plans (BDPs) and Provincial Development Plans (PDPs) as well as the ADSDPP.

B. Recommendations on enhancing implementation of VGSSF in the Philippines

1. Governance of Tenure of Small Fishers

The issue of fisherfolk settlement needs to be addressed to secure tenure of fisherfolk. DA should enact a department order on the establishment of fisherfolk settlement and take the lead in convening concerned agencies and in ensuring their compliance in the implementation of fisherfolk settlement

program. At the local level, CLUPs of coastal municipalities and cities should include areas allocated for fisherfolk settlement. At the national level, the National Land Use Act bill, which has been pending in Congress for several years now, should finally be legislated that includes specific provisions for fisherfolk settlements.

Gaps in municipal water delineation should be addressed, including fast-tracking of delineation of waters of municipalities without offshore islands, and formulate with guidelines for municipalities with offshore islands.

Customary rights to ancestral waters should not be compromised. Sectoral participation of IPs in legal and government processes should be strengthened. There should also be capacity building of the IP sector which is crucial in ensuring their meaningful participation in these mechanisms and decision-making processes. The CLUPs of the LGUs should include and respect the ADSPPs of the indigenous peoples in the area.

The NAMRIA should recognize ancestral waters and CADT areas. NAMRIA should mark ancestral domain areas for the information of non-IP and commercial fishers.

2. Sustainable Resource Management

There is a need to ensure that National Greening Program (NGP) implementation in the coastal and riverbank areas are led by fisherfolk communities in said areas. Also, small scale fishers' roles in sustainable resource management through organizing and capacity building towards maximizing existing platforms such as the FARMCs.

3. Social Development, Employment and Decent Work

BFAR should continue to pursue its national registration programs, specifically the (a) FishR for the municipal fisherfolk; (b) BoatR for the fishing vessels; (c) GearR for the fishing gears. These registrations are important to identify the small-scale fisherfolk to be assisted, while supporting VGSSF implementation. Also, BFAR should continue to conduct technology training courses and provide assets, e.g., the construction and/or provision of fiberglass boats – which come with sustainable and environment-friendly gears, such as gill nets, hook and line instead of wooden boats.

BFAR should continue to assist fisher women through training programs on post-harvest technologies through the WINFISH and the continuing registration of women as fishers.

The Community Fish Landing Centers (CFLCs) were envision to reduce post-harvest losses as well as venues for skills trainings on disaster-resilient fisheries-based livelihoods and resource management such as monitoring fish catch and stock assessment. They are to be eventually managed by fisherfolk groups. Ensuring that operations of these centers indeed benefit the fisherfolks will help improve the social and economic situation of the small scale fishers. The NFARMC can be a platform for monitoring the CFLCs.

Fisherfolk beneficiaries should be given full recognition of their roles at all levels of CFLC implementation. The Memorandum of Agreement should specify roles of beneficiaries in the implementation and operation of CFLCs.

Aside from ensuring the promulgation of beneficial policies for fisheries workers – such as the proposed DILG Department Order 156-16 – programs should be formulated and set in place to ensure decent working condition and fair income for small scale fishers involved in the whole fisheries value chain.

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

- ¹ Rodriguez, M. (2017). *Scoping Paper on the VGSSF and Philippine Policies and Laws on Fisheries*. Quezon City: Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).
- ² 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].
- ³ The views presented in this document do not necessarily reflect those of FAO.
- ⁴ 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.
- ⁵ Established by the FAO Conference at its 13th Session in 1965, COFI is a subsidiary body of the FAO Council.
- ⁶ 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.
- ⁷ 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.”
- ⁸ Municipality and Residents of Infanta, Quezon, Represented by Mayor Roldan Velasco and Brgy. Captain M. Nollo do vs. Macario Asistio, Jr., BFAR, February 15, 2001.

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- 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

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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	
I. General Matters																		
3. Guiding Principles																		
II. Responsible Fisheries																		
5. Governance, Resource, Management																		
6. Decent Work																		
7. Value Chain/Post-harvest/ Trade																		
8. Gender Equality																		
9. DR and CC																		
III. Enabling Environment																		
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	
I. General Matters																		
3. Guiding Principles																		
II. Responsible Fisheries																		
5. Governance, Resource, Management																		
6. Decent Work																		
7. Value Chain/Post-harvest/ Trade																		
8. Gender Equality																		
9. DR and CC																		
III. Enabling Environment																		
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 31st 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.

Around 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 *Scoping Paper on the VGSSF and Philippine Policies and Laws on Fisheries* 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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The views and information provided in this document do not necessarily reflect the views and policies of FAO.

