

Clear and Present Danger

Despite good policies and programmes, the Philippines struggles with illegal, destructive and unsustainable practices and use of coastal resources and fisheries

Coastal resources in the Philippines are severely depleted. Over the past century, mangrove forests have lost three-fourths of their cover and are currently facing a deforestation rate of 2,000 to 3,000 ha per year. In a study in 1996 by White and De Leon (see the For more box below), it was revealed that only 140,000 ha of mangrove forests remain out of 450,000 ha. Based on a report by the Philippines' Bureau of Fisheries and Aquatic Resources (BFAR), only four per cent of coral reefs remain in excellent condition (more than 75 per cent coral cover), 28 per cent in good

illegal, destructive and unsustainable practices and use of coastal resources and fisheries abound.

Marine capture fisheries in the Philippines is mainly categorized into two types: commercial and municipal fishing. Municipal fisherfolk are those who use boats measuring under 3 gross tonnage (GT) and include those in shell gleaning, fry gathering, fish vending and fish processing. Municipal fishing is for subsistence or local small markets and generally employ traditional fishing techniques. It is stipulated in the fisheries and local government codes that the municipal fisherfolk have preferential use rights over municipal waters which cover the fishing grounds 15 km seaward from the shoreline, including freshwater lakes and rivers within the territorial boundaries of a municipality. Commercial fishers are defined as those who use fishing vessels of 3 GT and above, which are further categorized into small, medium and large commercial fishing vessels. Commercial fishers are generally allowed to fish anywhere in the country's territorial waters, except inside the municipal waters. Despite the clear policy of the preferential use of municipal waters by municipal fishers, commercial fishing vessels frequently encroach inside municipal waters, which is practically the rule than the exception, largely because of corruption, low enforcement capacity and low political will of the authorities concerned.

...gender issues and gender-based discriminations hamper the attainment of inclusive and sustainable development and poverty reduction.

condition (50-75 per cent cover), and the remaining range from poor to fair conditions, due mainly to sedimentation and blast fishing in nearshore areas. According to a study conducted by Forbes and Santos in 2004, only 978 sq km of seagrass beds remain out of the more than 10,000 sq km in 98 surveyed sites.

In an earlier study, it was revealed that all major fishing bays in the Philippines are heavily exploited. The National Stock Assessment Program of BFAR indicates that two-thirds of the 12 major fishing grounds in the Philippines are overfished. Worse, 75 per cent of the total of fishing grounds in the Philippines show indications of overfishing. Despite good policies and programmes to curb the degradation of resources,

Open access

As a result of the lack of implementation of the rules in the use of coastal resources, the situation can be characterized as largely 'de facto open-access'—a state

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where access to coastal resources is unrestricted or free-for-all, and those who have the capital, political influence and technology are the ones to mainly rake in the benefits streaming from fisheries, without accountability for whatever happens to the resource base. Institutions mandated to enforce fisheries laws and implement management programmes are weak. Fishing communities are also weak and largely unorganized to claim and assert their preferential rights over municipal waters.

In 2016, the Philippine Fisheries Code was amended. The Philippine government instituted policies to control illegal, unreported and unregulated (IUU) fishing. In 2014, the European Union (EU), in its fight against IUU fishing, warned the Philippines with a 'yellow card' about the risk of being identified as a non-co-operating country. Countries in the list are banned from trading in fisheries products with the EU. Countries can be removed from the list once they have proven that concrete measures have been taken to improve the situation. The yellow card is a threat to the market access of Philippines' fisheries products to European markets, which currently absorb 40 per cent of the exports of the country's tuna products.

The EU yellow card prompted the Philippines government to amend its Fisheries Code in 2015, which was finally approved in 2016. The amendments are more focused on commercial fishing and impose stricter rules and higher penalties for commercial fishing that violates the laws of the Philippines, including the rules of Regional Fisheries Management Organizations to which the Philippines is a signatory, like the Western Central Pacific Fisheries Commission (WCPFC). A satellite-based vessel monitoring system (VMS) is also required for medium- and large-scale commercial fishing vessels.

The amendment requires municipal fisherfolk to regularly report their fish catches. Failure to do so will lead to penalties and fines and/or community service. The

government seems to have realized the importance of data collection on the catch and effort of municipal fisheries. Nation-wide campaign programmes on municipal fisherfolk and boat registration have been implemented since 2013. The amendment is expected to bring about major changes in fisheries law enforcement in the country, but to what depth and breadth remains to be seen.

Based on recent statistics, an estimated 1.8 mn fisherfolk in the country are engaged in municipal fishing. The average incidence of poverty reported in the fisherfolk sector was 39.2 per cent in 2012. This means that four out of 10 Filipino households of small-scale fisherfolk—or over 700,000 fisherfolk households (with an average of five members per household)—are below the poverty threshold.

Municipal fisherfolk are generally characterized by low-income households. Many of them have only high-school education. Many lack land-based assets and do not have security of tenure of their settlement areas, situated mostly within the nearshore areas. Most fishing households have poor access to water, health, education, housing, credit, and other welfare services. Given this situation, many fishing households are dependent on loan

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Fishers in Saranggani Province in Mindanao, Philippines. The municipal fisheries production system can be described as highly fragmented, with average catches of 5 kg per fishing trip

sharks and fish traders for financing of their everyday subsistence from fishing ventures, for basic food consumption, for the school needs of children, and for emergency needs during the lean seasons. In return, fishers are obligated to sell their catches for much lower value to trader-financers, who also impose high interest rates on debts.

The municipal fisheries production system can be described as highly fragmented, with individualized fish-harvesting methods, usually operated by one to three personnel, with average catches of 5 kg per fishing trip. This is true as well for processing and marketing fish-based products. Municipal fishers are vulnerable to settle for the fast buck, a situation that is being exploited by the more enterprising traders who consolidate the catches into volumes required to cover the logistics for the nearest market centres. This fragmentation makes it difficult to organize the fisherfolk—not only for enforcement against illegal fishing or claims for areas, but even for collective economic activities.

The marginalization of women in the fisheries sector may be attributed to the cultural notion of fishing as being a 'man's work'; women are not considered as 'fishers'. Even as the pre- and post-harvest activities are the domains of women, their participation has been considered as merely supplementary to that of men and an extension of their reproductive roles in ensuring the survival of their fishing households. In the frame of market-oriented fisheries development, women's involvement is almost always not considered in the estimate of gross domestic product (GDP) and do not figure in the calculations of market valuation, which, in effect, undervalues women's labour and socioeconomic contribution.

The non-recognition of women as equally important stakeholders and the lack of valuation of their contribution to the fishing industry throw up various gender issues, particularly in unequal access of women to control over, participate

in, and benefit from, resource management and development. The following issues must be addressed to accelerate gender equality: lack of sex-disaggregated statistical information and gender analysis useful for policy and programme development; discriminatory fisheries registration and licensing system; lack of comprehensive and integrative programme and budget allocation for women fishers; and limited involvement of women in the formulation/planning and implementation of fisheries policies and programmes at all levels.

These issues are closely linked to other issues faced by women that hinder the realization of their equal rights to development, such as resource depletion, coastal habitat degradation, weak fishery law enforcement, lack of access to basic social services, non-utilization of the gender and development (GAD) budget for improving women fishers' welfare, and the prevalence of violence against women and children in coastal areas.

It should be noted that gender issues and gender-based discriminations hamper the attainment of inclusive and sustainable development and poverty reduction. It is, therefore, imperative to take into consideration the gender dimension of vulnerability to impacts of climate change, poverty and underdevelopment in the fisheries sector to realize inclusive and sustainable growth, poverty alleviation and resilience. Identifying the gender issues and concerns embedded in the complex problems of the fisheries sector through an in-depth analysis will lead to the development of more gender-responsive programmes and policies that will help facilitate and accelerate the attainment of a more inclusive and sustainable development in the sector. Women's equal rights to development should be recognized and promoted in order to reduce, and eventually close, the existing gender gap between men and women.

The Philippines government, being the primary duty-bearer, is committed

to promoting and protecting women's human rights towards the achievement of substantive gender equality through the eradication of gender-based discrimination, as stated in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

This commitment is translated in the enactment, in 2008, of the Republic Act (RA) 9710, otherwise known as the Magna Carta of Women, which paved the way for the stronger legal foundations of women's claims over their rights. The passage of the Magna Carta was a result of persistent lobbying and advocacy of civil society groups and women's rights advocacy groups, including Tambuyog. It is an important legislative milestone that clearly defines women in the marginalized sector and provides for a comprehensive legal framework for human rights in these sectors. The Magna Carta of Women likewise promotes GAD and gender mainstreaming as a development framework and strategy. It also guarantees specific sectoral provisions for the rights and empowerment of marginalized women. In addition, the law provides for the implementation of Temporary Special Measures (TSMs) in order to accelerate women's empowerment and gender equality.

Specifically, women in the fisheries sector have finally been distinguished by the law as it recognizes the existing marginalization that they have been experiencing, particularly in resource management and governance as a result of some form of gender-based discrimination.

With these policies, women fishers are guaranteed specific rights and entitlements, such as equal rights to utilize, manage, develop and benefit from fisheries and aquatic resources, and equal opportunities for empowerment and participation in resource management, governance and other relevant economic activities.

While there may have been developments on the recognition of women, much still remains to be done in terms of translating progressive policies to actual practice and implementation. In general, especially at the grassroots level, conscientisation

on the valuable roles, contributions and rights of women fishers is necessary. The level of awareness on the importance and rights of women fishers themselves needs to be increased.

Apart from being poor, municipal fisherfolk have now to contend with increased vulnerability to the impacts of climate change. The Philippines is one of the countries most susceptible to increased vulnerability to climate-change impacts, which have already been evident with typhoons Pablo and Sendong claiming high numbers of lives and properties in areas not usually visited by such extreme weather events. Experts have said that

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Women workers in a Blue swimming crab meat processing station in Bantayan, Cebu, Philippines. Women's equal rights to development should be recognized and promoted

had there not been massive loss of mangrove forests in the Philippines—which serve as a buffer against strong winds and waves—the devastation that these typhoons wrought would have been less severe.

The clear and present danger to small fishers and their resources are the human-induced activities that degrade coastal resources and endanger food security, human

The Fisheries Code provides for the participation of small-scale fishers both in national and local fisheries governance through FARMCs.

security and the livelihoods of millions of people in coastal communities. The already vulnerable small-scale fishers, especially women and children, who are struggling for their survival, face more risks and dangers from natural and human-induced hazards.

Impacts of climate change on the fisheries sector could further exacerbate the existing dire condition of the fisheries resources and poor coastal communities. At the same time, the impacts of climate change are often worsened by the social and environmental costs of human activities. In the case of the small-scale fishers, these are the very old, yet present, issues of unsustainable fishing practices, overfishing and habitat degradation, inequitable access to, and control over, resources, resource use and users' conflicts, neoliberal fisheries trade policies, inadequate and ineffective resource-management regimes, and the gender gap in fisheries, among many other issues.

With the impacts of climate change, the already poor become poorer and the already vulnerable become more vulnerable, thereby exacerbating the development gap and perpetrating social injustice. This, on the other hand, provides the imperative to fight even harder for justice, equity, equality and sustainable development.

Tambuyog and its network of non-governmental organization (NGO) fisheries-management practitioners advocate for coastal adaptation, which is tantamount to addressing the long-standing plight of the small-scale fisherfolk and the fisheries industry in general, which have witnessed increased vulnerabilities. Tambuyog believes that addressing these concerns will contribute to reducing vulnerabilities and in building resilience of coastal communities from climate-change impacts.

Anchored in a rights-based framework, coastal adaptation is an obligation of the state, while it is a right of the small-scale fishers and coastal communities. Just like any other basic right, it is not optional but must be guaranteed to the people and is interrelated to the other human rights of small-scale fishers. Responding to climate-change adaptation means responding to other socioeconomic, political and developmental issues of the fisheries sector and vice versa.

The fishing-ground-based management is within the Ecosystem-based Fisheries Management Approach or framework, which focuses on the sustainable management of fisheries and critical habitats (namely, mangroves, seagrass beds and coral reefs).

On more concrete terms, practitioners of sustainable fisheries management among NGOs work towards the sustainability of a more healthy mangrove system by facilitating the establishment of a community-managed mangrove nursery, where appropriate, both as a management intervention and as a livelihood enterprise. In other areas—if and whenever feasible—these groups also facilitate the establishment of marine protected areas (MPAs). To ensure their sustainability and tenure, the interventions include lobbying for the issuance of a community-based management policy instrument for the management of critical habitats and fisheries resources in the overall fisheries ordinances of partner local government units (LGUs), with

preference to organized fishers in the localities as ‘resources managers’ or development partners.

Under the existing Philippines Fisheries Code as amended, fisheries management has been decentralized from the central government to the LGUs, which are now empowered to manage both their coastal and fisheries resources within the municipal waters, including the regulation of commercial fishing within the said areas. BFAR, at the national level, is in charge of the overall sustainable development of the fisheries industry to include all the subsectors, such as the municipal fisheries, commercial fisheries, aquaculture and post-harvest sectors. BFAR provides extension service in terms of technology and capacity-building support to the LGUs and small-scale fishers in the management of municipal waters. It also plays a big role in providing law-enforcement assistance, especially on issues of commercial fishers’ intrusion, since it has the expertise and resources.

While the LGUs are mandated to implement fisheries policies at the local level through the enactment of local fisheries ordinances, many of the coastal LGUs, it should be noted, do not have the technical and financial capacities to do so. In most cases, they seek assistance from BFAR in the implementation of key fisheries programmes and projects such as the establishment of fish-landing centres and post-harvest facilities and equipment, and even for provision of fishing paraphernalia to small-scale fishers. With technical support from BFAR, LGUs also initiate inter-LGU collaborations in promoting issues such as the sustainable management and development of common fishing grounds, through establishment of closed seasons, unified patrolling system, and so on.

The Fisheries Code also provides for the participation of small-scale fishers both in national and local fisheries governance through the Fisheries and Aquatic Resource Management Councils (FARMCs). There are also other participatory

bodies like the Artisanal Fisherfolk Sectoral Council at the National Anti-Poverty Commission and the Philippines Council for Agriculture and Fisheries at the Department of Agriculture. These platforms are already institutionalized and can be maximized by organized fisherfolk groups in advancing their rights and development agenda and in influencing the government to cater to their needs and concerns.

Access to programmes and projects of national and local governments can also be secured by ensuring inclusive fisheries registration. However, the main issue, most of the time, is patronage politics, which is where the need is felt for strong and collective action by organized fisherfolk groups.

The Co-operative Development Authority plays a big role in the registration and accreditation of fisherfolk co-operatives. It can provide technical and capacity-building support to newly organized fisherfolk co-operatives. The Department of Environment and Natural Resources focuses on the implementation of policies and regulations, and issuance of permits pertaining to utilization and management of coastal resources such as mangroves, foreshore areas and water resources, among others. The Department of Trade and Industry can provide technical and capacity-building assistance on prospective enterprise development of organized fisherfolk in terms of product development, packaging and marketing. The Department of Labour and Employment registers and accredits organized groups of fishers as informal workers.

Besides directly increasing the level of awareness and capacities of partner fishers in claiming their rights through development interventions, sustainable fisheries management practitioners among NGOs in the Philippines employ the basic principles of the rights-based approach. They ensure that the fisherfolk and coastal communities are partners in decisionmaking in every step of the development process. 3

For more



<http://www.tambuyog.org/about-us/>
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[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/529069/IPOL_STU\(2014\)529069_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/529069/IPOL_STU(2014)529069_EN.pdf)

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