

A Roadmap for Recovery

The reforms needed by small-scale fishers in the Philippines pivot around the role of the municipal administration in handling fisheries development and the welfare of fisherfolk

Fishing in the Philippines is crucially dependent on small-scale fisheries as a sector that is anchored in local communities that have historic links to adjacent fishery resources, traditions and values. Fishing includes activities that range from capture fishing and processing to vending and mending nets, among others. The actors are fishers in municipal and inland capture fishing, fishworkers in both aquaculture production and as crew in commercial fishing vessels, and also women in fish processing.

Social-development policies in support of fishers have strong legal foundations, with defined institutional support at the national and local levels. However, much improvement is needed for their implementation and translation to concrete economic gains and social protection. Despite laws on social protection and poverty alleviation (specifically targeting the artisanal fisherfolk, among other groups), fisherfolk have the highest poverty incidence at 40 per cent, compared to the national average of 26.3 per cent. They lack adequate access to basic social services like health and education. Small-scale fishing is highly fragmented owing to the lack of organization. This also limits the capacity of small-scale fishers to access social-safety nets, formal financial services and investment opportunities to help their livelihoods grow. The fragmentation in production is also accompanied by use of less efficient production technology, resulting in lower income opportunities.

A broad range of laws, policies, rules and regulations, under the authority of various levels of government, control small-scale fishing in the Philippines. These have legal foundations in the 1987 Philippine Constitution through the express provisions on state policies, social justice and human rights. They have permeated the subsequent special

laws on fisheries through the Fisheries Code (as amended by the 2014 Republic Act 10654). They have shifted the state policy from a production-focused orientation towards a policy direction geared at sustainable fisheries management, poverty alleviation and food security.

This legislation reflects the sectoral approach to fisheries management by categorizing fishing activity into municipal, commercial and aquaculture. It defines, among others, the access rights, privileges, and participation in policymaking of the three sectors mentioned above. The Bureau of Fisheries and Aquatic Resources (BFAR), under the Department of Agriculture, is the lead agency for the implementation of the Fisheries Code and other

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fishery-related rules and regulations. The preferential rights to municipal fisherfolk for the use of municipal waters, granted by the law, however, are under the jurisdiction of the local government units (LGUs).

The law does not deal with the rights of fishworkers and women, except for their representation both at the local and national level in the policymaking body, the Fisheries Aquatic Resources Management Council. Their rights and benefits in relation to social development are provided for in other special laws.

Environmental laws

Primarily being a resource-based occupation, the fisheries sector

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Fishing village, Sagnay, Camarines Sur in Bicol Region, The Philippines. Small-scale fishing is highly fragmented owing to the lack of organization, which limits the capacity of fishers to access social-safety nets, and formal financial services

is also covered by a number of environment-related laws and policies on the protection, management and conservation of the fisheries and aquatic resources. Protection of these resources means the stability of source for food and livelihood of the small-scale fishers.

The autonomy given to LGUs under the Local Government Code of 1991 made the delivery of basic social services accessible to local communities and led to the decentralized enforcement of national environmental laws as well as local ordinances adopted by local legislative councils.

The Philippine government's commitment to the achievement of the 17 Sustainable Development Goals (SDGs) is reflected in the Philippine Development Plan 2040, called 'Ambisyon 2040'. It envisions the transformation of the country into a middle-class society. Initial commitment in fisheries involves programmes dwelling on the management and sustainable use of fisheries and aquatic resources.

The national government responded to the economic and social disruption arising from the COVID-19 pandemic by enacting a law enabling it to undertake urgent steps, such as imposition of quarantine measures, taking over of private establishments as may be necessary, realignment of

the approved national budget, and provision of financial support, health subsidies and loan packages, among others. Administrative and logistical challenges marred the timely and adequate delivery of the social and economic support to those who needed them, including small-scale fishers. Experts have called the imposition of restrictions militaristic, not based on science; it was even challenged for being discriminatory.

Despite the restrictions and preventive measures of the government to contain the pandemic, deaths and infections remain one of the highest in the Southeast Asian region. To improve the social-development policies for small-scale fishers requires medium- and long-term action from the government, besides the need to improve the implementation of existing policies. Integration of the human-rights-based approach to existing sustainable fisheries management should be the overarching framework to ensure that the state programmes and projects are inclusive, securing a dignified life for small-scale fishers—both men and women—even in times of crisis like the pandemic's socioeconomic disruption.

Poverty alleviation

The impact of the Community-Based Monitoring System (CBMS) on sector-

specific poverty-alleviation measures is yet to be realized, given the infancy of its implementation. CBMS is an evidence-based tool for programming, monitoring and evaluation of economic and social-protection measures to address the multifaceted dimension of poverty and sector-specific interventions. Its institutionalization should be matched with effective capacity building for LGUs, in terms of developing their comprehensive local development plans, and developing implementers from the national government with respect to prioritizing development plans for the poorest of the poor, including the Philippine government's commitment to the achievement of the 17 SDGs as reflected in its own plans.

The rights and remedies for small-scale fishers are spelled out by a number of national policies and specific laws to operationalize them. For instance, the 1987 Constitution grants subsistence fishermen preferential use of the state-owned communal marine and fishing resources, both inland and offshore, supported with appropriate technology and research, adequate financial, production, and marketing assistance, and other services.

The Fisheries Code of 1998 (as amended by Republic Act 10654) includes poverty alleviation in the fisheries sector among its aims; it grants municipal fisherfolk preferential access to municipal waters, accompanied by a number of support services to production, research, and participation in policymaking for the management and conservation of fisheries and aquatic resources.

The Local Government Code of 1991 grants preferential treatment to the organizations or co-operatives of marginal fisherfolk with respect to access and user rights to a number of fishery resources within the jurisdiction of the LGUs.

Under the 2019 Republic Act 11291, called 'Magna Carta for the Poor', small-scale fisheries is among the sectors given the right to demand poverty-alleviation schemes from the government. The state is committed to the progressive realization of the following five rights: right to food, right to decent work, right to housing, right to relevant education, and right to highest attainable standard of health.

These statutory rights have mediated ameliorative changes in the quality of life of small-scale fishers. The enjoyment of their rights and privileges with respect to access to fishery resources are also dependent on the conditions of fishery and aquatic resources and, ultimately, determines the quality of their life. This is not lost in the sector-specific intervention under the 1997 Social Reform and Poverty Alleviation Act (Republic Act No 8425), wherein the legislated programme for artisanal fisherfolk is the management and conservation of fishery and aquatic resources.

This should be nuanced by resolving the conflict in the use of municipal waters and by securing the tenurial rights of municipal fisherfolk. Among other concerns, their access to municipal waters is constantly challenged by the intrusion of commercial fishers and the unmitigated impacts of aquaculture on municipal capture fishing. These have remained unresolved and have yet to be effectively mediated by the LGUs and the national government. Thus, effective monitoring of regulatory standards, law enforcement and active prosecution of violations also determine the enjoyment by fishers of their collective and individual rights over the fragile and finite fishery and aquatic resources.

The governance and institutional arrangement in the fisheries sector also affects the management and conservation of fishery and aquatic resources. The Department of Agriculture administers it, with BFAR as the policy and implementing agency on fisheries-related concerns. Under this set-up, the fisheries sector has to compete with the other sub-sectors in agriculture in terms of budgeting and policy implementation. Lumping fisheries with the agricultural sector tends to tie the management of fisheries to production-focused interventions.

Rights and remedies

The sector is composed of the municipal, commercial and aquaculture components. Though intended as a codification of all fisheries laws and policies, the Fisheries Code (as amended by Republic Act 10654) fails to cover the specific concerns of fishworkers and the women engaged in fisheries. For determining fishers'

rights and remedies, the process relies on an executive issuance DAO 156-16 (with respect to rights of fishworkers) and the 'Magna Carta of Women' (for a broad human-rights-based approach on the rights of women working in agriculture), among others.

Besides the usual problem of implementation of existing laws and policies, the sectoral approach in fisheries governance should integrate the human-rights-based approach in development planning. Framing sustainable fisheries management and governance based on human rights will provide an inclusive approach. It will make other groups within the fisheries sector visible subjects of development planning. It will also enable policymakers to target the nuances and specificity of the needs and problems of sub-groups within

consolidators; (ii), by assisting LGUs to establish and develop local new markets for fish products; and, (iii), by shortening the supply chain by directly linking producers with the market (for example, with local restaurants, food establishments, groceries, cafeterias and canteens of schools, hospitals and offices, and feeding programmes).

2. Establish a Department of Fisheries and Aquatic Resources (DFAR) to upgrade the Agency's capacity and resources to ensure timely response to the needs of the industry and to develop and implement new ways of ensuring food security based on local fish-production systems.
3. Conduct a national assessment on the impact of COVID-19 on local fishers by BFAR, in collaboration with LGUs, partner NGOs and fisherfolk organizations (to quantify, for example, the loss in income and livelihood and the status of national and local fish stocks). Data from said assessment can be used to develop appropriate support and assistance to affected communities, enhancing existing conservation measures (for example, expansion of marine protected areas or MPAs, or regulation of fishing efforts to catch the 'right' fish sizes).
4. Establish a comprehensive Social Protection Package for Fisherfolk, consisting of: (i), health insurance; (ii), health support package (such as face masks, cleansing alcohol and vitamins); and (iii) subsidy.
5. Continued implementation of fisherfolk registration and updating of the registry of fishers, boats and gears to: (i), identify fishing vessels and gears to be allowed during quarantine lockdowns; (ii), reduce illegal, unreported and unregulated (IUU) fishing by regulating fishers, boats and gears; and, (iii), help identify qualified beneficiaries for assistance and relief distribution.
6. Encourage LGUs (through their 20 per cent development funds) and the BFAR to establish fish-processing plants and community fish-landing centres with ice-making machines, cold storage facilities and freezers.
7. Absorb fishers displaced by, say, social-distancing requirements or gear and boat regulations, in the newly established community fish-

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the sector, notably fishworkers and women. Sustainability of fisheries will move beyond increasing production and environmental management and protection of the fisheries; it can be geared towards investing in fishers—both women and men—so they can lead a dignified life even in times of crisis like the social and economic disruption caused by the COVID-19 pandemic.

Desired course of action

A list of recommendations to help fishers—and the fisheries sector as a whole—has emerged from the experiences and learnings of NGOs in partnership with fishing communities during the COVID-19 pandemic and from past natural disasters. This will facilitate a recovery from the social and economic impacts of the pandemic, strengthening the resilience of the sector through institutional reforms and sustainable development:

1. Strengthen local fish production systems by, (i), organizing and strengthening fisherfolk associations, savings clubs and co-operatives to serve as local

landing centres, ice plants and fish-processing plants.

8. Recruit fisherfolk communities in food-for-work programmes for coastal clean-ups and MPA maintenance and protection.
9. Strengthen fishery law enforcement through the installation and utilization of Vessel Monitoring Mechanisms (VMM) and Visible Infrared Imaging Radiometer Suites (VIIRS) for Bantay-Dagat volunteers, fish wardens and other fishery law enforcement units.
10. Enact House Bill No 5023, titled 'An Act Granting Benefits and Incentives to Accredited Bantay-Dagat and for other Purposes'. This will not only strengthen and ensure continued enforcement of fishery laws but also provide additional income for Bantay-Dagat volunteer fish wardens.

Making the Fisheries Code work

In relation to the implementation of the Fisheries Code and other social-protection measures needed by small-scale fishers, the following recommendations will strengthen government programmes and policies:

1. Support programme for CFLC: Section 153 of the Fisheries Code provides for infrastructure support for municipal fisherfolk, including the establishment of Community Fish Landing Centres (CFLCs). This will help improve the social and economic situation of the small-scale fishers. The FARMCs can be a platform for monitoring these centres. NGOs can assist in capacitybuilding on coastal resource management and social enterprise development. Municipal fishers should be given full recognition of their roles at all levels of CFLC implementation. Memorandums of Agreement should specify roles of beneficiaries in the implementation and operation of CFLCs.
2. Social insurance for municipal fishers: Development of social-protection programmes should go beyond addressing short-term needs. To make them transformative, they have to address the survival needs of fishing households by giving them access to sources of sustainable livelihood and steady incomes. Having sustainable livelihoods and

incomes necessitates the access and control over productive resources by the small-scale fishers as well as their control in the management of the natural coastal resources. Numerous coastal municipalities are practicing Community-Based Management of MPAs and Community-Based Coastal Resource Management (CBCRM). Focusing on these prerequisites would contribute in poverty reduction in the long term, paving the way to address social inequality.

3. Implement guidelines on fisherfolk settlement area: Most of the fisherfolk families just settled are now occupying lands with little or no documentation to secure their residence. These are public lands and form part of the salvage or easement zones. The fishing families are not the only ones facing the threat of displacement and relocation. Those settling in coastal lands beyond the salvage or easement zones are also facing these threats. Many of these settlers had been residing in their communities for years—some for generations—without any guarantee of tenure.

Adopt the archipelagic principle: The delineation/delimitation of municipal waters for municipalities and cities with offshore islands is long overdue.

Some are even paying taxes for their land. There have been instances of private claimants securing title over public coastal lands, with some resorting to land grab.

4. Adopt the archipelagic principle: The delineation/delimitation of municipal waters for municipalities and cities with offshore islands is long overdue. For consistency and congruence to national and international legal frameworks, it is but logical that the archipelagic principle be used in defining municipal waters, particularly in municipalities with offshore islands. The National Mapping and Resource Information Authority recommended this also, and it is duly mandated by the Fisheries

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Code. This will ensure LGUs are able to manage clearly defined areas of municipal waters, enact effective conservation and management measures, impose revenue measures and regulations, and exercise enforcement and control functions over resource-use activities within their respective municipal waters. This is more attuned to promote the local and fiscal autonomy of the LGUs.


5. Implementation of DOLE DO 156-16: Preventive measures against labour-related issues of fishworkers on board Commercial Fishing Vessels (CFVs) with Philippine registry are addressed by DO 156-16. It is aligned with ILO Convention C188 in protecting fishworkers. It provides the normative regulations and standards on employee-

employer relations, compensation and benefits, occupational safety and maritime safety, grievance mechanism and post-employment benefits such as repatriation, among others.

6. Promote coastal resilience programmes: Systems to address socioeconomic and environmental risks in fisheries production are being developed and installed. However, climate change and natural disasters pose serious threats that undermine such efforts. Responding to these challenges means that the impacts of climate change and disasters on coastal and near-shore fishery resources are taken into account in coastal resource management to ensure the maintenance of coastal or marine biodiversity. It also requires recognizing the importance of coastal areas, since a large population of Filipinos live in coastal communities, depending on the coastal resources for their food and livelihood. So far, an assessment of the risks to the impacts of climate change and

disasters specific to coastal areas and communities, together with the appropriate mitigating and adaptive measures, has yet to be made seriously in government policies and programmes.

7. Social protection and recovery from the pandemic's impact: The COVID-19 pandemic has subjected the fisheries industry to several challenges and difficulties that have greatly affected the productivity and well-being of its communities. The imposition of a nation-wide community quarantine, as a means of controlling the spread of contamination by the COVID-19 virus, effectively shut down the fishing industry, as the physical movement of people was limited. The shut down of other sectors and facilities upon which the fishing industry relies—transport, ice plants, wet markets, fish-landing centres, suppliers of fishing equipment—also greatly hampered fishing activities and productivity. There is a need for social-protection measures to prevent fishers and workers from experiencing the socioeconomic impacts of the pandemic. 

For more 

Fishy Tourism

https://www.icsf.net/images/samudra/pdf/english/issue_84/4488_art_Sam_84_art07_Philippines_Michael_Fabinyi.pdf

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