

# Rendering Visibility

The lived experiences of women fisherfolk in the Philippines during the COVID-19 pandemic reveal how invisible they remain in policies and programmes

Despite the significant size of the fishing industry in the Philippines and the fact that fish is a huge part of Filipino diets, fisherfolk remain among the poorest in the country. This is particularly so for small-scale fisherfolk and those concentrated in municipal waters. In a newly released survey by the Philippine Statistical Authority (PSA) measuring the incidence of poverty among 10 of the 14 basic sectors in 2018, fisherfolk were second only to farmers. (The Philippines Social Reform and Poverty Alleviation Act defines 'basic sectors' as disadvantaged or marginalized groups, including farmers, fisherfolk, women, children, persons with disabilities, self-employed and unpaid family workers, and individuals residing in rural and urban areas.) Poverty incidence among farmers is at 31.4 per cent, while for fisherfolk it is 26.2; these sectors also posted the highest poverty incidence in 2015, at 40.8 (farmers), and 36.9 (fisherfolk) per cent. Fisherfolk and coastal communities are faced with a number of social and economic challenges as a result of poverty and the unsustainable development of the fisheries sector.

## Women fisherfolk: Invisible, under-valued, under-represented

In a sector that is already considered poor, women fisherfolk are among the poorest—largely because of roles and contributions that are not recognized or are undervalued; the lack of access to modes of production and resources; and their multiple burdens, at home, in the community and also as small-scale fisherfolk.

As fishing has been largely a male occupation, the prevalent notion is that only men go fishing in their boats and women are not involved in fishing. In practice, however, women go out to sea

to fish and are involved in shellfish and fry gathering/gleaning, spear fishing in rivers, and reef fishing using scoop nets, traps and fish baskets. Women participate in activities before, during and after the fish capture. They are part of small-scale fisheries in municipal waters, and some are also employed in commercial fishing vessels, mostly in post-harvest processing. However, participation of women before and after fish capture has been given little importance, leading to the near invisibility of women as important contributors to this sector.

**Women participate in activities before, during and after the fish capture.**

The under-representation of women fishworkers in data and policy is attributed to this gendered division of labour predominant in fishing communities. Women's contributions are often seen as extensions of their care work, usually done in private, and consequently, undervalued. This leads to a vicious cycle where lack of data gives rise to gender-blind decision making, which, in turn, translates into inadequate policies and programmes. Starved of resources, women's work is undervalued, and therefore likely to be further discounted.

## Social protection

Women fisherfolk in the Philippines continue to be disenfranchised in terms of access to benefits, social protection and participation in policymaking. (These issues were raised in a training programme of gender focal points, sponsored by the Commission on

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16 Women fishworkers in Calintaan, Matnog municipality in Sorsogon province. COVID-19 poses several challenges to women fishworkers' livelihoods, due to supply chain disruptions and the closure of processing operations and markets

Human Rights, in February 2020.) Many women are poor and resort to migration for better opportunities. They also face various forms of gender-based violence, including incest, statutory rape, trafficking and prostitution, and discrimination in access to resources and services on a daily basis.

This marginalization of Filipino women fisherfolk is rooted in various factors. These include the prioritization of commercial fishing and coastal reclamation projects over the protection of small-scale fisherfolk; the problematic implementation of the Fisheries Code; climate change and degradation of the environment; the absence of a gender lens in fisheries policies and programmes; and the persistent 'machismo' in the sector.

### **Women fisherfolk under the Magna Carta of Women**

In the Philippines, efforts have been undertaken to recognize and value the role of women fisherfolk. Under the Magna Carta of Women (RA 9710), fisherfolk are included in the list of marginalized sectors. The law defines fisherfolk as those:

“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 related produce.”

The definition provided by the Magna Carta of Women (MCW) is important as it covers women's various roles in fishing, including pre- and post-harvest work. It sought to address the invisibility of women in the sector. The law further enumerated the rights of women fisherfolk, particularly in relation to equal access to productive resources (Section 20).

### **Marginalization**

However, despite the provisions of the MCW, many issues remain. Accounts of continuing marginalization persist; there are still accounts of limited access to resources as well as cases of gender-based violence. Much remains to be

done to fulfill the promise of the MCW, more so in the context of the COVID-19 pandemic.

### **COVID-19 and women fisherfolk**

Like many of the marginalized sectors, women fisherfolk are among the worst hit by the economic impacts of the COVID-19 pandemic. With a substantial number of fisherfolk already below the poverty line, suffering from reduced catch, and constrained by restrictive government policies and the absence of support, the economic havoc brought about by the pandemic has increased the vulnerability of the community, especially women.

Globally, it has been reported that small fishing boats, fish markets, and women workers are among those worst affected by the pandemic's economic impact on fisheries. As commercial fishing reportedly fell by 6.5 per cent in 2020, small boats were mostly restricted to port, with their markets uncertain. This has largely affected women who make up at least half of the labour force in fisheries and fish farms. Challenges included restricted market access, due to supply chain disruptions, and the closure of processing operations and markets, where many women are engaged.

In the Philippines, small-scale food producers like farmers and fisherfolk have been severely affected by the pandemic. In a webinar organized by Greenpeace Philippines and others in May 2020, fisherfolk described the difficulties they faced during the lockdown, including food insecurity, and loss of income and productivity brought about by limited mobility, closure of markets, prohibition on fishing, closure of ice plants and long checkpoint queues resulting in fish spoilage. In continuing to leave their home to fish, to find markets or areas to barter their catch, women fisherfolk run the risk not only of infection but also of arrest. One woman from Pangisda in Bataan reported how a fisherfolk member was arrested by the *Bantay Dagat* (marine and coastal patrol) for going out to fish during the 'enhanced community quarantine' (ECQ) and how her money, meant for food, was spent on bail.

These are but initial stories. With the pandemic control measures stretching into the year, there are many other stories from the ground on the impact on fisherfolk, especially women.

### **Gathering stories on the ground**

To gather more stories, the Commission on Human Rights of the Philippines, through its Gender Equality and Women's Human Rights Center and 16 regional offices, conducted sectoral monitoring of women fisherfolk. The Commission's regional offices undertook key informant interviews and/or focus group discussions aimed at highlighting issues faced by women, namely, the roles they play in the sector, their participation and access to resources, their experiences of gender-based violence, and the impact of the pandemic.

The initial results reveal that traditional gender roles in fishing communities persist. While there are exceptional cases where women go out to fish alone, husbands usually insist that women stay at home and

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take care of the children, or they privilege men's capability as fisherfolk. Women continue to be relegated to reproductive or care work; their contributions to the sector are mainly focused on post-harvest activities, including sorting of catch, allocating for household consumption, fish processing, marketing and sale.

### **Domain of men**

On recognition of their work, women's responses reveal that despite recognition under the Magna Carta of Women, the term 'fisherfolk' remains associated with 'capture fishing' and the domain of men. In one region, for instance, 53 per cent of women interviewed by the Commission do not consider themselves as fisherfolk, and 83 per cent are not on the list of

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18 A focus group discussion with women fisherfolk in Talisay, Cebu province. While there are women fisherfolk organizations, these are few and far between, compared to male dominated organizations

the Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture. While there are women fisherfolk organizations, these are few and far between, compared to male-dominated organizations. Women who were interviewed also revealed that some of them participate in meetings of these organizations, but mostly to represent their husbands, with very limited decision-making powers. Women are thus marginalized not only by government agencies, but also within fisherfolk organizations.

The monitoring also provided insight into the women's level of awareness of their rights under the Magna Carta of Women and other laws, and of the impact of the COVID-19 pandemic on them. Responses from the women reveal that many of them were not familiar with the provisions of the MCW. There were women who did not consider themselves as fisherfolk despite clearly falling within the definition under the MCW. Many also admitted to being unaware of government programmes targeting fisherfolk during the pandemic. This highlights persistent gaps in the

implementation of the MCW and the need to ramp up information campaigns and service delivery in fishing communities.

On the impact of the COVID-19 pandemic, the responses of women highlight the adverse effects, such as food insecurity, loss of income, multiple burdens and heightened anxiety. Women shared how the lockdown resulted in reduced incomes and difficulties in accessing markets. One senior-citizen fish vendor from Talisay, Cebu, said, "I cannot easily sell my product. Most of our previous customers do not have money." This was echoed by women in another region, who complained that their income was affected by the strict community quarantine. They were unable to eat regularly.

### **Welfare schemes**

Women's registration as fisherfolk with the BFAR determines their access to available government relief and welfare schemes. Those who were not registered or were not members of any fisherfolk organizations said that they were unable to access government

support. In some instances, there was confusion about which programmes they could access and which were accessible only through their husbands, who were often registered.

While very few women shared accounts of gender-based violence during the pandemic, many described different forms of violence—including intimate partner violence, trafficking and rape—in their communities in the past. Some of these continued during the pandemic. These accounts reveal that the violence is not only rooted in gender inequality and male dominance, but also in poverty and food insecurity. One woman in Cebu said, “One time when my husband came home from fishing, he asked me for food. We did not have a good dinner because we had no money. I showed him the bowl of vegetable soup and he asked me to heat it. When it was done, he poured the boiling soup on my face. It was painful and I got burns.” In another instance, one respondent said that some women in her community had to resort to sex work to buy food. In another account, a husband was reported to have beaten his wife because he had no income to feed his children. These anecdotes from the women affirm the continuing threat of violence against women, before and during the pandemic.

### From policy to practice

The monitoring conducted by the Commission provides snapshots of experiences, instead of a comprehensive research overview. They come from the 100-130 women fisherfolk who agreed to be interviewed in the 16 regional offices of the Commission. They cannot speak for all women fisherfolk in the country, but the lived experiences provide us an insight into the often invisible situation of women in fishing communities. It is clear for us in the Commission that we need to do more to fulfill the promise of non-discrimination under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and under the Magna Carta of Women. There is a need to move from policies—the *de jure* protection and entitlements under the law—to actual changes felt in the everyday

lives of women fisherfolk, their *de facto* enjoyment of rights.

Some of the key recommendations forwarded by women fisherfolk themselves include the following: Recognize and render visible women fisherfolk in all fishing communities. This means ensuring women’s meaningful participation in fisherfolk organizations, their recognition as fisherfolk distinct from their husbands and sons in government databases, and developing organizations dedicated to supporting women in the sector.

Support for women fisherfolk—in the form of financial and livelihood assistance, low-interest loans and gender-sensitive fishing equipment—was also recommended.

Women also require enhanced mechanisms for protection against violence, such as strengthening the capacity of women, their organizations and of the Barangay Violence Against Women (VAW) desks in fishing communities.

### Recognizing rights

Lastly, the COVID-19 pandemic has highlighted the importance of women’s access to information on risk prevention, support services, medical services and to remedies in cases of violence. It is crucial to ensure availability and accessibility of life-saving information for marginalized communities, including women fisherfolk. If we are to address the long-term impacts of the COVID-19 pandemic, we have to focus on the most marginalized and work towards recognizing their needs and the fulfillment of their rights. 📌

#### For more

##### Towards gender-equitable small-scale fisheries governance and development - A handbook

<https://www.fao.org/documents/card/en/c/fee037d6-944f-4d65-89ba-b438c7d41834/>

##### A Roadmap for Recovery

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##### Women in Fisheries in Asia: 1978–2016

[https://www.icsf.net/images/yemaya/pdf/english/issue\\_51/2216\\_art\\_yem51\\_e\\_art07a.pdf](https://www.icsf.net/images/yemaya/pdf/english/issue_51/2216_art_yem51_e_art07a.pdf)

# 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**

**F**ishing 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

**The shut down of other sectors and facilities upon which the fishing industry relies also greatly hampered fishing activities and productivity.**

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

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**Clear and Present Danger**

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**Life after Yolanda**

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**Pillars of Decent Work**

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# Being Worker-friendly

The plight of fishworkers on board vessels engaged in commercial fishing operations calls for regulating their conditions of work and providing protection benefits

Concern over the conditions of fishworkers on board commercial fishing vessels was thrown into high relief in the Philippines in 2018. This was during a series of consultations that sought out small-scale fishers and fishworkers on the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines). Fishworkers who

Forms of penalty, on the other hand, may be in the form of withholding of wages, confiscation of travel or identity documents, and physical violence, among others.

The Expanded Anti-Trafficking Act of 1992 in the Philippines defines forced labour as the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt bondage or deception, including any work or service extracted from any person under the menace of penalty.

Forced labour becomes Trafficking in Person (TIP) or a mode of committing TIP when all elements of forced labour are present and there is internal movement or cross-border migration. In the context of commercial fishing, this may happen when a person is recruited to work as a crew member on a commercial fishing vessel but through machinations and misrepresentation of the recruiter, the victim ends up working under abusive labour conditions.

## Labour exploitation

A study on the supply chain of tuna in the Philippines identified the presence of indicators of forced labour and factors that increased workers' vulnerability to labour exploitation. The study highlighted the plight of fishworkers both in capture fisheries—using handlines and purse-seines—and in the processing industry. It showed that these workers face exploitative conditions such as induced indebtedness; lack of contracts or written agreements on the conditions of work; lack of a grievance redressal mechanism and blacklisting in case they complain about their situation;

are employed or made to work in such vessels venturing into distant waters are prone to abuse in view of the distance and the physical impossibility of monitoring their activities while at sea. It is estimated that about 250 million people are employed in the global seafood industry; a majority of them come from developing countries. In 2016 a widespread occurrence was reported of forced labour in 47 countries, including the Philippines.

Forced labour refers to all work or service exacted from any person under the menace of any penalty—and for which the said person has not offered himself or herself voluntarily. Thus, forced labour has the element of involuntariness on the part of the victim, under pain of penalty, to him or her to perform an involuntary service.

The International Labour Organization (ILO) lays down indicators of involuntariness. They include recruitment linked to debt, deception about the nature of the work, and induced indebtedness, among others.

It is estimated that about 260 million people are employed in the global seafood industry; a majority of them come from developing countries.



Harvest from small boat (ringnet) being hauled by fishworkers in Mulanay municipality, Province of Quezon in Luzon island, The Philippines. There is a need to organize fishworkers on board fishing vessels, particularly those who are working on small and medium commercial boats.

deception about the legality of a particular voyage, leaving them with no opportunity to give their consent; and/or hazardous work and low earnings due to lack of transparency on the part of the financier's process of determining the earnings. Workers in the purse-seine fishing also experience under-payment of wages and isolation due to longer fishing trips, compared to handliners.

Department Order 156-16 was issued by virtue of the rule-making power of the Secretary of Labour under the Labour Code of the Philippines. It is a big step in the right direction in regulating the conditions of work of fishworkers and in providing protection and benefits to them. Implementation of the new law needs to be monitored.

Statistics for 2016 from the Food and Agriculture Organization of the United Nations (FAO) indicated that the Asian

region contributed the largest number of fishers and fish farmers compared to other regions of the world, with a total of 87 per cent people employed in the sector. This includes those engaged in various fishery sub-sectors, either part-time or full-time, and regardless of their scales of engagement. In recognition of the importance of fishers and workers in the fisheries sectors, the Southeast Asian countries have been confronted with pressing concerns on the need to combat illegal, unreported and unregulated (IUU) fishing associated with labour-related issues, as well as on the status of people engaged in fishing and related activities in the region.

The increasing demand for workers in the fisheries sectors to serve the needs of international trade in Southeast Asia resulted in large numbers of migrant workers getting on board to seek work opportunities in other countries,

and also large groups of workforce moving from one country to another. Those countries that employ these workers, therefore, need to pay serious attention to addressing the issues and concerns in fisheries labour, especially the allegations that these workers receive low wages; have inadequate or no social security; are unskilled in relation to fishing operations; receive inadequate training before working on board fishing vessels; are unaware of the requirements for safety at sea; possess fake or no legal documents; are subjected to forced labour, child labour and human trafficking; experience poor working conditions and unfair treatment by employers; and that some fishing vessels do not comply with sea-safety requirements.

On November 16, 2017, the ILO Work in Fishing Convention (C188) came into force. It sets the basic standards of decent work in the fishing industry and provides effective protection to about 38 million people who work in the sector. It is intended to prevent, among others, all unacceptable forms of labour for fishers, such as human trafficking, forced labour and other abuses. This landmark convention underwent a tedious process of negotiations, dialogues and consultations among States, employers, operators and civil society organizations (CSOs), including a number of fishers' organizations.

Though the Philippines has yet to ratify the C188, the Department of Labour and Employment (DOLE) issued the Department Order No. 156-16 Series of 2016; this came into force on July 1, 2016. It provides the rules and regulations governing the working and living conditions of fishers on board fishing vessels engaged in commercial fishing operations.

Preventive measures against TIP in the fisheries context is addressed by DO 156-16, albeit limited to fishworkers on board commercial fishing vessels with Philippine registry operating within or outside Philippine territorial waters. It is aligned with ILO C188 in providing protection to fishers, including fishworkers. It provides the normative regulations and standards on Estimated Energy Requirement (EER), compensation and

benefits, occupational and maritime safety, grievance mechanisms and post-employment benefits such as repatriation, among others.

These provisions are intended to reduce—if not eliminate—exploitative labour practices that tend to increase the vulnerabilities of fishworkers while on a fishing voyage. The Department Order is still in its infancy; its implementation has yet to make a dent on the improvement of the working conditions of fishworkers. Owners of handline fishing vessels and the fishers in the tuna-rich area of General Santos City put forward a proposal to the Department of Labour and Employment (DOLE) during the Tuna Handline Summit held in 2018 to further study the possibility of another similar policy issuance that would reflect more of their context and apply flexibilities as they have a smaller scale of operations unlike the handline boats that are vertically integrated in the supply chain and are owned by big fishing companies.

When Thailand ratified C188 in 2018, it became the first Asian country to do so. With the current problems besetting fishworkers and the lack of coordination among agencies, it is high time for the Philippines to work towards C188 ratification. It might be worth looking at how to make use of its flexibility clauses and negotiate with both companies and workers.

Compliance to these standards by members states are, however, subject to certain flexibilities. This is to bridge the gap in terms of implementation and compliance by member states on account of the diversity in fishing operations, capacity and infrastructure available to member countries in complying with the rules and regulations of the convention. It is also intended to facilitate widespread ratification by member states.

### Three modes

There are three modes of flexibilities provided under ILO Convention 188: One, exclusion possibility. A member state may seek exclusion from complying with certain provisions of the convention after consultation by the competent authority with the representative organizations of

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Tuna handline fishers getting ready to go out to sea in Mindoro Occidental, The Philippines. A study on the supply chain of tuna in the Philippines identified the presence of indicators of forced labour and factors that increased workers' vulnerability to labour exploitation

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employers and workers concerned, and, in particular, with the representative organizations of fishing vessel owners and fishers. This exclusion covers only inland fishing vessels or limited categories of fishers or fishing vessels. An example cited by ILO is the progressive implementation of certain requirements, such as the written work agreements between the fishers and fishing vessel owners or their representatives, while still requiring small vessels to carry basic first aid kits and to meet many other requirements of the Convention.

Two, progressive implementation. Where it is not immediately possible for a member state to implement all of the measures provided for in this convention, owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions, the country may, in accordance with a plan drawn up in a consultation, choose to progressively implement all or some of the following measures:

- Require fishers to work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties.
- Require fishers to work on board a fishing vessel without a valid medical certificate with respect to vessels remaining at sea for more than three days.
- Require every fishing vessel to submit a crew list to authorized persons ashore prior to departure of the vessel, or communicate it ashore immediately after departure of the vessel.
- Execute a written contract between the fisher and fishing vessel owner or the latter's authorized representative or produce any evidence of contractual or similar arrangements where fishers are not employed or engaged by the fishing vessel owner, which provides for decent work and living conditions on board the vessel.
- Conduct risk evaluation in relation to fishing, as appropriate, with the participation of fishers or their representatives.
- Provide fishers with protection for work-related sickness, injury or death, and ensure a system for fishing vessel owners' liability; or provide for compulsory insurance, workers' compensation or other schemes in accordance with national laws and regulations.

This flexibility does not apply to certain fishing vessels on account of their size, length and distance of voyage at sea, and their port state control.

Three, substantial equivalence. Member states may provide alternative measures in complying with certain standards on manning a fishing vessel for safe navigation and control, rest periods of fishers, and compensatory periods of rest, provided that the safety and health of the fishers are not jeopardized. Likewise, a member state not in a position to implement the provisions found in Annex III on Fishing Vessel Accommodation may, after consultation, adopt provisions in its laws and regulations or other measures which are substantially equivalent but subject to certain limitations:

- Responsibilities of fishing vessel owners: A fishing vessel owner means the owner of the fishing vessel

The integration of a human rights-based approach in the development planning for the fisheries sector must be explored. This can pull out fishworkers from invisibility, not only in terms of target beneficiaries of the programmes and projects of the local and national governments but also as claimholders for the specific remedies they need as potential or actual victims of TIP. The Bureau of Fisheries and Aquatic Resources (BFAR), for instance, as the primary agency under the Department of Agriculture that regulates commercial fishing, can include compliance with labour standards by commercial fishing vessel operators as a ground for the cancellation or non-renewal of licences. It can also require fishworkers to undergo human-resources (HR) education awareness training before issuing their licence as a fishworker, similar to the Pre-employment Orientation Seminar (PEOS) or the Pre-Departure Orientation Seminar (PDOS) being carried out by the Philippine Overseas Employment Administration (POEA). This can be done in partnership with the Commission on Human Rights and DOLE. The HR education and awareness raising may provide impetus for fishworkers to organize as an association bound by the desire to protect both their individual and collective rights.

### **Urgent need**

There is an urgent need to organize fishworkers on board fishing vessels, particularly those who are working on small and medium commercial boats. Workers on board large commercial vessels have long been organized into trade unions. In General Santos City, owners of smaller boats who operate domestically are more organized, compared to their fishworkers. The voice of these workers are being heard through the boat owners and operators. Women and community members can be organized as support groups and advocates to push for expanded labour and social protection of workers and their families. Actions could start from increasing the community awareness on laws that protect their rights and promote their welfare, and conducting more in-depth socio-economic studies

**Women and community members can be organized as support groups and advocates to push for expanded labour and social protection of workers and their families.**

or any other organization or person, such as the manager, agent or bare-boat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over, in so far as it applies to vessels remaining at sea for more than three days.

- Medical care, health protection and social security: Article 10 does not apply to fishing vessels which are, one, 24 metres or longer in length; two, remain at sea for more than seven days; or three, normally navigate at a distance exceeding 200 nautical miles from the coastline of the flag state or navigate beyond the outer edge of its continental shelf, whichever distance from the coastline is greater; or four, are subject to port-state control as provided for in Article 43 of the Convention, except where port-state control arises through a situation of force majeure.



that capture the nuances of the scale and operations of small- and medium-scale boats.

Further study on the nature of indebtedness among fishworkers should be conducted to better understand the nature in which they become victims or are exposed to the dangers of debt bondage and forced labour. This can be correlated with the nature of sharing of income and expenses as practised by the different types of commercial fishing operations.

Policies on environment protection and conservation should integrate social and labour protection of fishers and workers. The long-standing global problem of decent work deficit in fishing, such as unprotected work, human trafficking and slave labour, is also tied up with the global problem of IUU fishing and trans-shipment at sea. Thus, policy reforms in environment protection and conservation of national and global fisheries should integrate social and labour protection of fishers. Other international non-binding instruments relevant to fishing would be helpful in developing international norms founded on providing decent work to fishers through advocacy and engagement, which must be observed at the national and international level. Eventually, this will help broaden the adoption of ILO C188 and create ripples that will comprehensively address the labour abuse and exploitation in the fishing industry.

Certification or ecolabelling of fishery products is a market-based trade measure to bring about improved fisheries management in response to the overexploitation and depletion of global fish stocks. Certification refers to the procedure “by which a third party gives written or equivalent assurance that a product, process or service conforms to specified requirements. Ecolabelling schemes entitle a fishery product to bear a distinctive logo or statement which certifies that the fish has been harvested in compliance with conservation and sustainability standards. The logo or statement is intended to make provision for informed decisions of purchasers whose choice can be relied upon to promote and stimulate the sustainable

use of fishery resources”, according to the United Nations Environment Programme (UNEP).

According to a UNEP study, the improvement in fisheries management through certification could have a positive outcome not only for the environment but it could also significantly address the problem of poverty and food security by ensuring the sustainability of the fish stocks, particularly in developing countries, where small-scale fisheries provide a staple livelihood.

Certification is a tool for norm development and enforcement of standards that have proven to be effective in drawing the support of end-users and consumers. Thus, these market-based initiatives are potential tools to improve and change the behaviour of corporate and private players in the fishing industry in terms of addressing the labour conditions of fishers.

Recently, the Marine Stewardship Council (MSC) has announced an overhaul of its certification process which includes a new requirement that MSC-certified fisheries declare they are free from forced labour and child labour. In the southern Philippine island of Mindanao, an NGO is partnering with an association of fishers to push for the labelling of tuna products as “worker-friendly”, instead of using the usual “environment-friendly” label. ↴

#### For more



##### Seeing slavery in seafood supply chain

<http://advances.sciencemag.org/content/advances/4/7/e1701833.full.pdf>

##### Research on Indicators of Forced Labor in the Philippines Tuna Sector

[https://www.verite.org/wp-content/uploads/2016/11/Research-on-Indicators-of-Forced-Labor-in-the-Philippines-Tuna-Sector\\_\\_9.16.pdf](https://www.verite.org/wp-content/uploads/2016/11/Research-on-Indicators-of-Forced-Labor-in-the-Philippines-Tuna-Sector__9.16.pdf)

##### Social Responsibility in the Global Seafood Industry: Background and Resources.

[http://www.fishwise.org/traceability/Social\\_Responsibility\\_White\\_Paper](http://www.fishwise.org/traceability/Social_Responsibility_White_Paper)  
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# Fishy Tourism

**Coastal communities cannot transition from fishing to tourism when land tenure rights are weak. An example**

In the Philippines, the growth of tourism has coincided with widespread declines in the fishing industry, causing a host of challenges as coastal communities negotiate this change. At the heart of this transition is land tenure; it determines the outcome of this transition.

The recent increase in coastal tourism has been greeted with general support from various bodies and organizations. The government considers the industry an important aspect of economic growth, while

2000s. By 2018, the number of annual arrivals had grown from well under 10,000 in the 2000s to nearly 200,000.

This has transformed the livelihoods of the locals. Boats that were previously used for fishing have either been sold or converted into tourist boats, while many fishers have now moved to the more profitable and less physically taxing jobs in the tourism industry.

While the benefits of tourism as a sustainable and lucrative form of income have been noted, there are concerns that the locals do not receive many of the profits from the industry. A key factor is land tenure.

The Philippines land tenure laws are complex and often contradictory, meaning that their interpretation is variable. In Esperanza, a wealthy family based in Coron is trying to claim ownership of the coastal land; it is trying to evict the residents from the area in order to construct tourism development projects. While the legal battle is ongoing, it has caused several complications for residents. There has been a ban on developing new cement structures, preventing locals from building tourist accommodation, or even their own housing. Some even claim that they were unable to access housing materials provided as aid for Typhoon Haiyan. These prohibitions will continue to exist while the legal battle is ongoing.

## Considerable anxiety

The constant threat of relocation has also caused considerable anxiety, particularly among those who fear that they will lose their livelihood. A fearful resident explained: "We have done our best here, but if we are moved, I don't know what will happen. Sometimes I lie in bed thinking about all the bad things that could happen. So we just pray to God."

**...widespread overfishing and environmental degradation has led to a decline in profitability for fisheries**

conservationist groups have welcomed what is considered to be a sustainable alternative to fishing for coastal communities. Meanwhile, widespread overfishing and environmental degradation has led to a decline in profitability for fisheries. Restrictive government regulations have been introduced to combat these issues, which have caused further barriers for fisherfolk. As a result, many coastal residents who previously relied on fishing have now moved to tourism.

A key example can be seen in Esperanza, a small village in the municipality of Coron, Palawan province. Fishing has historically been one of the area's major economic activities, partly due to the fertile marine grounds surrounding Coron. However, a push from government bodies and a series of national media campaigns resulted in a rapid expansion of tourism from the late

*This article by Michael Fabinyi (Michael.Fabinyi@uts.edu.au) and Hannah Taylor of the University of Technology Sydney, is based on Fabinyi, M. 2019. 'The role of land tenure in livelihood transitions from fishing to tourism'. Maritime Studies early online view, available open-access at: <https://link.springer.com/article/10.1007/s40152-019-00145-2>*



Residents show their eviction notices. The weak legal basis for the eviction notices, coupled with the comments of officials, suggest that this was an attempt to 'clean up' the area in preparation for tourism

This has not been the only instance of tensions surrounding coastal land tenure. In 2018, President Duterte's closure of Boracay caused increased attention to other tourism hotspots, including Coron. In May, 75 businesses and households in Coron received a 'Notice to Vacate' from the Department of Environmental and Natural Resources (DENR). The legal reasons for these evictions were that the structures were located in a 'timberland' area, which is outlawed by the Revised Forestry Code of the Philippines (1975). This was strange, as there was little evidence that the location had been treated as a 'timberland' zone in recent times. Indeed, the DENR itself had previously approved Environmental Compliance Certificates in the area. Meanwhile, officials suggested that the human waste and rubbish produced by residents was a risk to Coron and that the area needed to be cleaned for tourism purposes.

The weak legal basis for the eviction notices, coupled with the comments of officials, suggest that this was an attempt to 'clean up' the area in preparation for tourism. However, the notices led to anxiety for the residents, particularly for fishers who feared losing their livelihood as a result. This highlights how the rapid growth of the tourism industry can come at the expense of local residents, assisted by weak land rights.

While the residents of both Esperanza and Coron have not yet been evicted, both cases show how conflicting laws and policies can end up with negative impacts for fishers. The rise in tourism has increased pressure on coastal land tenure, leaving the locals to face various barriers preventing them from taking advantage of the resulting profits. The consequences resulting from the fishing-tourism transition would be greatly improved by stronger land rights for coastal residents. ↴

#### For more



#### **Bureau of Fisheries and Aquatic Resources, The Philippines**

<https://www.bfar.da.gov.ph/>

#### **The role of land tenure in livelihood transitions from fishing to tourism**

<https://link.springer.com/article/10.1007/s40152-019-00145-2>

#### **The Intensification of Fishing and the Rise of Tourism: Competing Coastal Livelihoods in the Calamianes Islands, The Philippines**

<https://link.springer.com/article/10.1007/s10745-010-9329-z>

# 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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**Philippine small pelagic fisheries and their management**

# Pillars of Decent Work

**A study on decent work of tuna handline fishermen in the Philippines calls for policy interventions to ensure their rights**

The primary goal of the International Labour Organization (ILO) is to promote “opportunities for men and women to obtain decent and productive work in conditions of freedom, equity, social security and human dignity”. Its mandate covers all categories of workers such as wage and salaried workers, self-employed, informal workers in the formal economy like fishermen, and other types of workers who ILO affirms as having basic rights to obtain decent work.

In the Philippines, the tuna handline fishery is regarded as one of the most important commercial

aspects where decent-work issues covering rights at work, employment opportunities, social protection and social dialogue are taken into consideration. While much attention has been given to the economic importance of the tuna handline fishery, little attention has been paid to the working conditions of fishermen. Hence, this study aims to assess the working conditions of commercial tuna handline fishermen on board fishing vessels, to determine how decent the work is.

This study focuses on commercial tuna handline fishermen on board small-scale (3.1 to 20 gross registered tonnage, GRT) and medium-scale (21.1 to 150 GRT) fishing vessels in General Santos City, which is known as the ‘tuna capital’ of the country. The majority of the population is engaged in the fishery, using traditional fishing methods like handline fishing.

Primary data collection was conducted using semi-structured questionnaires that were employed to solicit information among the 182 commercial tuna handline fishermen selected. Of the 182 fishermen, 111 were from the medium-scale and 71 were from small-scale tuna handline fishing vessels. Interviews with boat operators and key respondents from various concerned agencies were also conducted for supplemental information.

## Indicators

This study employed a set of determinants and indicators per pillar of decent work, which were largely based on the conventions and regulations embodied in the ILO Work in Fishing Convention (2007) and on other studies. Since the Convention

**While much attention has been given to the economic importance of the tuna handline fishery, little attention has been paid to the working conditions of fishermen.**

tuna fisheries, given its social benefits and contribution to the economy of southern Philippines. However, based on the preliminary assessment of the tuna handline fishery in the Philippines, the significance of this sector is increasingly threatened by a number of globalization issues like environmental degradation, poor information on the fishery, and inadequate management and regulatory systems, which impact negatively and create new challenges for the regulations of work of tuna handline fishermen.

The numerous challenges confronting the tuna handline fishery prompted this study to focus on the human dimension, particularly in terms of the labour and employment

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was specifically tailored to reflect the particular characteristics of work and the situations that fishermen face in their working lives, this study adopted the five general areas of concern that were stipulated in the ILO WFC (2007). The five general areas of concern, which were treated as determinants in this study, were categorized according to the four pillars of decent work with corresponding indicators. For rights at work, this study looked at two determinants, namely, (1) minimum work requirements, of which the indicators include age, availability of medical certificate, and availability of crew list; and (2) conditions of services that were measured using the indicators of hours of rest, availability of work agreements, and payment of fishermen. With respect to the employment pillar, this study made a reference to two determinants that included (1) career and skills development, with three indicators, namely, access to training, education level and years of fishing experience; and (2) opportunities for work that were measured using three indicators that included access to credit facilities, access to fishing-related information, and status or nature of employment. In terms of the social protection pillar, attention was given to three determinants, namely, (1) accommodation and food that was measured using the indicator of availability of living quarters, food and water; (2) occupational safety and health, with three selected indicators, including availability of protective gears, access to medicine, and access to trained medical staff on board; and (3) social security that was measured using the indicator of coverage under mandatory social-security schemes. Finally, in relation to the social dialogue pillar, this study looked at two determinants, namely, (1) dialogue, with the indicator of access to a grievance machinery; and (2) voice and representation, with the indicator of membership in fishermen's associations.

To determine the overall level of decent work of tuna handline fishermen, a decent work index was

constructed. Construction of the index adopted the shortfall or gap approach where the gaps of the fishermen respondents' scores, relative to the desired target for the indicators used, were measured against specified minimum and maximum values for each of the indicators. Expressed in index point, it is similar to the Human Development Index (HDI), where the perfect score is 100. The equation is given by the formula:

$$IS = \frac{\text{real score} - \text{minimum score}}{\text{maximum score} - \text{minimum score}} \times 100$$

**The five general areas of concern, which were treated as determinants in this study, were categorized according to the four pillars of decent work...**

After deriving the score for each indicator, the overall labour index was computed as the sum of the average of the pillars scores.

The highest possible score that an individual tuna handline fishermen can get is 100. Hence, the resulting scores pertaining to the fishermen's decent work index were categorized into five levels to represent the level of decent work. Those percentage points below 50, which is said to be of acceptable level, were categorized either very low (0-25) or low (26-49), while those that are close to the maximum score were categorized either high, 66 or very high (81-100). The medium level is set for those scores within the range of 50-65.

### Simple parameters

For analyzing the data, this study employed simple statistical parameters such as means and standard deviation. For further analysis and to know if there are significant differences between small- and medium-scale tuna handline fishermen in terms of socioeconomic characteristics and level of decent work, the t-test was used. Moreover, as the literature suggests, the four pillars of decent work influence each other in myriad of ways.

Hence, correlation analysis was likewise done to determine the relationship that exists between, and among, the four pillars of decent work.

On average, a household of handline fishermen constitutes about six persons, headed by a middle-aged adult with a low level of education (elementary), and relies heavily on the low earnings of fishermen, since the nature of their pay is based on a 'sharing system', wherein the typical earnings call for 20 per cent of the profit to be shared among the fishermen. Given the nature of the sharing system, the fishermen surveyed indicated that they never receive a fixed amount of pay and thus often receive a meagre amount that is insufficient to finance their basic needs. The survey indicated that regardless of vessel type, the surveyed tuna handline fishermen have no statistically significant differences in terms of socioeconomic character.

The survey results indicated that the conditions of work of tuna handline fishermen were fairly vulnerable to decent-work challenges, yet are still insufficient to realize the full potential of the fishermen, as indicated by the scores for each of the indicators used. It may be noted that tuna handline fishermen scored relatively high in most of the indicators. However, it can also be observed that for both small- and medium-scale tuna handline fishermen, eight indicators posted a score below 50 per cent, which was said to be of at least an acceptable level. These eight indicators included medical examination, provision of a work agreement, payment of fishermen, training, educational attainment, social-security coverage, access to dialogue mechanism, and membership to associations.

The conditions of work are being influenced by the work relations between fishermen and financiers, and the long-standing practices that exist in the tuna handline fishery. The relationship between fishermen and financiers, who also act as boatowners and boat operators, has remained feudal in many ways, wherein the financier exercises much

control over the fishing operation. Moreover, the relationship is based on loyalty and trust, and the practice of returning a favour is very much in place. Traditionally practised sharing systems and the very informal work arrangement, which is merely based on verbal agreement, still persist in the tuna handline fishery. Further, it can be inferred that rights at work affect all aspects of work. For instance, as a result of the lack of a formal work agreement or contract, it is difficult for fishermen to negotiate any terms of work, including their payment or earnings, or to advocate for themselves when payment practices are considered unfair. Consequently, due to their low earnings, participation in social-security schemes is on a voluntary basis.

Another notable observation is the difference in the percentage point between the small- and medium-scale tuna handline fishermen, as far as the indicator on access to grievance machinery is concerned. The difference may be attributed to the idea of kinship. In a small-scale handline fishing vessel, the majority of the fishermen indicated that it was easier for them to raise their concerns since a crew was more than a company of workers, and the crew members are usually related in many ways.

### **Social relations**

In small-scale handline fishing vessels, a crew may consist of father and son, brothers, or a mixture of close or more distant kin. On this note, the many-sided social relations mitigate conflicts on board. On the other hand, crew members of medium-scale handline fishing vessels indicated that they hesitated making complaints about their working conditions due to the fear that it might exacerbate or further worsen their current working conditions. They indicated fear of being blacklisted or barred from future employment.

Based on the 19 indicators, this study revealed that the overall decent work level of both small- and medium-scale tuna handline fishermen fall at a medium level, since they score

62.9 (SD=7.9) and 62.6 (SD=11.9) points, respectively. This is attributed to the medium-level scores in the majority of the pillars of decent work.

It may be noted that among the four pillars of decent work, the social-protection pillar falls at a high level since the tuna handline fishermen scored relatively high, except for the social-security coverage, where a large percentage of them are not covered under any of the social-security schemes like SSS and PAG-IBIG, which can protect fishermen and their beneficiaries in conditions of disability, sickness, old age, death and contingencies resulting in loss of income and other financial resources.

The medium-scale tuna handline fishermen scored low with respect to social dialogue since their scores for the indicators of access to dialogue mechanisms and membership in fishermen's associations posted a percentage point below 50. In relation to the access to dialogue mechanism, most of the medium-scale tuna handline fishermen fear that making complaints about their working conditions may further worsen their current working condition. In terms of membership to fishermen's associations, unlike other occupations in the Philippines, fishermen have never been organized into unions due to the offshore nature of fishing, whereby their often precarious employment status and lack of higher education preclude them from asserting their rights to organize themselves into unions.


Further, the result of the statistical test indicates that there is no significant difference between the small- and medium-scale tuna handline fishery with respect to the four pillars of decent work. This is fairly understandable since the surveyed fishermen have relatively the same socioeconomic characteristics and are exposed to the same social conditions with respect to work relations and practices that exist in the tuna handline fishery.

As the literature suggests, the four pillars of decent work influence one another in many ways. Hence, for further analysis, the interdependencies

of the four pillars were examined. Correlation test results showed that for both small- and medium-scale tuna handline fishermen, all the pillars of decent work were positively and significantly correlated with one another. This implies that the four pillars of decent work are mutually reinforcing and equally significant for the achievement of the overall decent-work index for the tuna handline fishermen.

This study reveals that the conditions of work for tuna handline fishermen are influenced by various factors like socioeconomic characteristics, long-standing practices that exist in the tuna handline fishery, particularly the 'sharing system' for fishermen's pay, and the very informal arrangements that exist in the sector, largely controlled by the financier, which have greatly influenced the working conditions of the tuna handline fishermen.

Although the overall decent-work index of tuna handline fishermen falls at a medium level, the sector cannot remain complacent for much remains to be done in order to reach its full potential in ensuring that tuna handline fishermen are accorded the necessary decent-work conditions while on board fishing vessels.

Understanding the nature of work of tuna handline fishermen and the factors that either enhance or inhibit their level of decent work are crucial inputs in formulating and managing more appropriate and effective policy interventions. Interventions being currently undertaken for the continued development of the tuna handline fishery must not undermine the human dimension of it, and particular attention must be paid on how to ensure the rights, safety and protection of fishermen. To improve the working conditions of tuna handline fishermen, no single pillar of decent work should be left out. 

#### For more

[https://onedrive.live.com/?authkey=%21AN-PTuY\\_Wggn6kl&cid=DDB0904599F0629B&id=DDB0904599F0629B%2112341&parId=DDB0904599F0629B%2111645&o=OneUp](https://onedrive.live.com/?authkey=%21AN-PTuY_Wggn6kl&cid=DDB0904599F0629B&id=DDB0904599F0629B%2112341&parId=DDB0904599F0629B%2111645&o=OneUp)

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# Life after Yolanda

The Philippines government's proposal for a 40-m no-dwelling zone, in the wake of Typhoon Yolanda, should be participatory and consultative

The damage to life and property in the Philippines caused by Typhoon Yolanda (international code name: Haiyan) is unimaginable, amounting to billions of pesos, not counting the incalculable trauma that befell survivors. For the fisheries sector, this has meant the loss of fishing boats that are the foundation of livelihoods, the loss of daily catch that feeds people, the destruction of homes that provide shelter, and the loss of family members. On the national level, it has resulted in a major economic setback.

Philippine President Benigno Aquino III publicly pronounced in

year, the no-dwelling zone were further categorized by OPARR into 'safe' and 'unsafe' zone to protect livelihood-related structures.

The Department of Environment and Natural Resources (DENR) and the Department of the Interior and Local Government (DILG) were tasked by the President to formulate an Executive Order on the no-dwelling zone, which should address the said immediate issues.

The long-term and strategic solution to this issue is the passage of a national land-use policy. While the policy guideline is not yet in place, the rights of the internally displaced—such as non-discrimination, the right to an adequate standard of living, and access to basic shelter and housing—should be protected.

Several civil society groups in the Philippines, led by the non-governmental organizations (NGOs) for Fisheries Reform, the Save the Fisheries Now Network, the Campaign for Land Use Policy Now, Alternative Lawyering Group, Asian NGO Coalition on Rural Development and Agrarian Reform, and OXFAM, conducted consultations and discussions with local government units (LGUs) and formulated the following principles in drafting guidelines for such a policy.

## Science-based policy

The policy should be science-based and area-specific. Science should inform the policy. A thorough study should be conducted to generate information such as, but not limited to, high-risks areas vulnerable to geological hazards like tsunamis, storm surges and sea-level rise, among others. Updated maps should be made available and put to use

**...the rights of the internally displaced—such as non-discrimination, the right to an adequate standard of living, and access to basic shelter and housing—should be protected.**

December last year a 40-m no-build zone policy in coastal areas from the highest tidemark. This was the administration's response to the devastating impacts brought about by storm surges generated by the super typhoon Yolanda.

The declaration of the 40-m no-build zone is supposed to prevent people from going back to their houses, which lie in danger areas. In early 2014, Secretary Panfilo Lacson, the appointed Presidential Assistant in the Office of the Presidential Assistant for Rehabilitation and Recovery (OPARR), announced that the no-build zone shall be changed into no-dwelling zone to protect tourism-related structures located within the 40-m zone. In March this

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in determining the safe and unsafe zone.

The adaptive capacity of the area and the community must be taken into account. This will help lessen chances of displacement.

Local knowledge should be tapped into, particularly on changing coastlines, to show that coastal integrity is highly vulnerable in areas with constantly changing coastlines. Substrate type, elevation and wave breakers are factors that need to be considered.

An ecosystem-based rehabilitation approach is required in the no-dwelling zone policy. Policymaking should be participatory in nature. Multi-sectoral, indigenous and community-based processes of assessments, consultations, monitoring and continued education campaigns should be conducted, which are rights-based, needs-based and gender-fair.

In coastal areas, Fisheries and Aquatic Resources Management Councils (FARMCs) ought to be consulted on any proposed area utilization and/or management, either temporary or permanent, to ensure community participation in the decision-making process and to allow community members to identify possible impacts to the fisheries sector and other stakeholders. In indigenous communities, free, prior and informed consent from tribal councils/councils of elders should be secured.

The no-dwelling zone policy should recognize and respect existing legal and customary tenurial rights. In the implementation of the policy, property rights should be protected. The policy should be inclusive, taking into account its impact on sectors and stakeholders.

The policy should not be a standalone policy. Review and harmonization of the no-dwelling zone to existing policies should be done. The policy should form part of the comprehensive land-use plans (CLUPs).

CLUPs are consistent with the State policy on provision for a rational, holistic and fair allocation, utilization, management and development of the

country's land resources to ensure their optimum use, consistent with the principles of social justice and sustainable development.

The policy should recognize the integrity of the shoreline. It is recommended that the following shoreline management principles be taken into account:

- non-disposition or alienation of shore lands and natural resources;
- regulation of private lands and property located on the margins of the coast to ensure public safety, and to protect the shoreline from the deleterious natural processes in the coastline environment, such as, but not limited to, coastal erosion, storm surges and sea-level rise;
- equal and equitable public access to, and from, the foreshore and adjacent beaches and shore lands;
- strict observance and enforcement of legal restrictions on construction of structures along the shore, particularly the setback requirements mandated by law; and
- undeveloped coastal frontage to be considered as highly valuable areas on account of their aesthetic appeal, naturally protective characteristics, support for livelihoods of coastal communities, environmental benefits, public utility and recreational use.

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Survivors of Typhoon Yolanda in the Philippines have very little option but to return and rebuild in their original locations

Access to foreshore areas, especially for livelihood, should be secured. Access to the foreshore areas that are traditionally used by artisanal fisherfolk as docking sites, for fish and seaweed drying, as gleaning areas, fish-landing sites, small wet markets and fish gear storage areas, among others, should be given priority. Preferential use of these areas by municipal fisherfolk as guaranteed

**Particularly in foreshore areas, extractive industries should not be allowed as these affect coastal integrity.**

under the 1987 Philippine Constitution and the Philippine Fisheries Code of 1998, should be recognized.

Areas bordering the no-dwelling zone should, likewise, be identified on their best uses consistent with the law, and be ecologically viable, economically feasible, socially acceptable, culturally appropriate and be compatible with adjacent uses. Particularly in foreshore areas, extractive industries should not be allowed as these affect coastal integrity.

The policy should address institutional relationships to prevent overlapping of functions. A co-ordinated effort between the National Disaster Risk Reduction Management Council (NDRRMC), OPARR and other relevant national government agencies is necessary to ensure:

- the conduct of comprehensive post-Yolanda assessments with the active participation of different stakeholders, including local communities, local governments and civil society organizations;
- integration of recovery and restoration plan into the NDRRM Plan, consistent with the NDRRM framework; and
- assistance for LGUs in developing and/or reviewing their plans and frameworks, including CLUPs, Local Climate Change Action Plan (LCCAP), Local Disaster Risk Reduction Management Plan, Integrated

Coastal Resources Management Plan, Ancestral Domain Sustainable Development Protection Plan (ADSDPP) among others.

The roles and responsibilities of government agencies should be clarified. DENR, in co-ordination with relevant government agencies, shall map out the no-build zone areas. DILG, on the other hand, shall provide support to the LGUs in the implementation of the guidelines. The LGUs shall implement the guidelines, incorporating them into their comprehensive land-use plans, CRM plans, DRRM Plan and LCCAP, among others.

The following are the relevant government agencies and their functions in relation to the no-dwelling zone policy:

- DENR: generation of maps on no-dwelling zone, geo-hazards, resources (mangroves and beach forests, coral reefs, seagrass beds), mangrove and beach reforestation areas, and cadastral maps (alienable and disposable lands, government lands, titled lands);
- DILG: technical support for formulation of CLUPs, provision of guidelines on the implementation of no-dwelling zone, and capacitating LGUs on matters relating to the implementation of the guidelines;
- LGUs: formulation and issuance of ordinances on no-dwelling zone, identification of resettlement sites, implementation of the no-dwelling zone policy, DRRM Plan, ICM Plan and CLUPs, engaging stakeholders in assessment, planning and monitoring;
- Department of Social Welfare and Development: provision of livelihood opportunities for affected families/communities, basic social services;
- Department of Public Works and Highways: construction of road networks;
- Department of Agriculture: construction of post-harvest facilities;
- NDRRMC: overseeing formulation of local DRRM Plan;
- Department of Science and Technology: conduct of scientific





The community members of Barrangay Calugcog have come together to rebuild their lives and livelihoods in the wake of Typhoon Yolanda

research and generation of climate maps that are needed in planning;

- OPARR: co-ordination among government agencies in relation to reconstruction and rehabilitation; and
- National Commission on Indigenous Peoples: ensuring the protection of the rights of indigenous peoples.

The National Land Use Act (NLUA) should be passed in the 16th Congress. The NLUA should govern the determination of resource use in terms of four critical policy themes: protection, production, settlement and infrastructure. 3

#### For more



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**PARR: "No-build Zone" Policy not Recommended in Yolanda-affected Areas**