



*Masaganang Agrikultura,
Maunlad na Ekonomiya*

Country Report and Presentation

Philippines

The Regional Training Course on the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) in Fisheries Perspective

6 November 2023
Bangkok, Thailand

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Background

01. IUU fishing is a complex global concern where infringements are committed within and beyond national jurisdictions.

02. IUU fishing undermines national and regional efforts to manage the fisheries in a sustainable manner, destroys marine habitats, depletes fish stocks worldwide, and threatens food security.

Country Profile

Resources At A Glance



Coastline (Length)

36,289 km.

5th longest in the world



Territorial Waters & EEZ

2.2 million sq. km.



Shelf Area (depth 200m)

184,600 sq. km.



Coral Reef Area

27,000 sq. km.



Swamplands

246,063 ha.



Existing Fishpond Area

253,854 ha.



Other Inland Resources

250,000 ha.



Philippine Rise

24M hectare (11M ha within EEZ plus 13M ha extended continental shelf)

National Fisheries Law and Regulations relevant to IUU Fishing



01

The Amended Fisheries Code (Republic Act 8550 as amended by Republic Act 10654) is the national law on fisheries management, conservation, development, protection, and utilization.

02

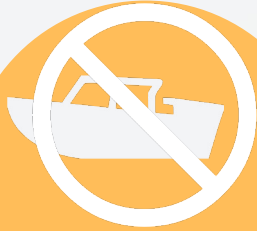
The Implementing Rules and Regulations of the amended law was issued on 22 September 2015 as Department of Agriculture Administrative Order No. 10, series of 2015.

03

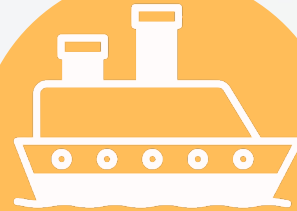
Fisheries Administrative Orders are the administrative issuances that implement the different provisions of the law.



SALIENT FEATURES



Introduces the concept of Illegal, Unreported, and Unregulated (IUU) Fishing; unreported and unregulated fishing are new offenses.



Addresses high-seas fishing and fishing in other coastal states by Philippine-flagged fishing vessels.



Emphasizes compliance with conventions to conserve and manage living marine resources such as the United Nations Convention on the Law of the Sea or UNCLOS (ecosystem-based approach; precautionary principle).

SALIENT FEATURES



Increases fines and adopts a graduation of penalties and a wide array of accompanying administrative penalties for serious violations to ensure sanctions are dissuasive and have a deterrent effect.



Adopts an automatic escalation clause in the amount of fines to address inflation and maintain a deterrent effect.



Empowers the Department to ensure effective enforcement of regulatory measures (notice of violation, cease and desist orders, ejection, and impoundment)

SALIENT FEATURES



Provides a new chapter on administrative adjudication in order to promptly and effectively deprive offenders of the economic benefits derived from IUUF and empowers the Department to organize the Adjudication Committee and issue Notice of Violations.

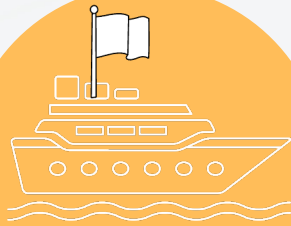


Empowers the DA-BFAR to prosecute administrative and criminal offenses regardless of where the offense took place.



Introduces the concept of community service for municipal fisherfolk offenders

SALIENT FEATURES




Adopts broad measures on port state, flag state (vessel monitoring measures, observer program, catch documentation), and market-related measures.




Adopts international and regional conservation measures and empowers the Department to enforce the same in Philippine waters including archipelagic waters.

Conservation and Management Measures

1. FAO 270, series of 2023: Rules and Regulations on the Operations of the Philippine Flagged Fishing Vessels Operating in Distant Waters (Beyond National Jurisdiction)
 2. FAO 268, series of 2023: Rules and Regulations Governing the Catch Certification or Documentation Scheme for fish and fishery products intended for export that require Catch Certificates
 3. FAO 267, series of 2021, Rules and Regulations Governing the Landing and Transshipping of Fish and Fishery Products that have not been previously landed, and other Port Services in the Philippines by Foreign-Flagged Fishing Vessels
 4. FAO 263 series of 2019: Establishment of Fisheries Management Areas (FMA) for the Conservation and Management of Fisheries in Philippines Waters.
 5. DA-DILG JAO No. 01, Series of 2015: Establishment of a Closed Season for the Management of Galunggong (roundscad; Decapterus spp.) in Northern Palawan
 6. FAO No. 177 series of 1989: Establishing a closed season for the conservation of sardines and herrings and mackerels in the Visayan Sea.
 7. BAC No. 255, series of 2015: Establishing Closed Season for the Conservation of Sardines in East Sulu Sea, Basilan Strait and Sibuguey Bay.
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Conservation and Management Measures

8. FAO 261, series of 2018: Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in distant water fishing targeting straddling and highly migratory fish stocks
 9. FAO 266, series of 2020: Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) For Commercial Philippine Flagged Fishing Vessels Amending FAO 260 Series Of 2018
 10. FAO 258, series of 2018: Establishment of Tuna Conservation and Management Zones (TCMZ) In The Mindanao/Celebes Sea
 11. FAO 254-1, series of 2018: Regulation and Implementing Guidelines on Group Handline Fishing Operations in the High Seas of the WCPFC Convention Area
 12. FAO 246-1 series of 2018: Amending FAO No. 246 on the Banning of the Operation of Danish Seine and Modified Danish Seine in Philippine Waters.
 13. FAO 198-1, series of 2018: Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers
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National Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (NPOA-IUU)

1

In December 2013, the Philippine government passed Executive Order 154, a National Plan of Action to prevent, deter and eliminate IUU fishing.


2

The plan outlines priority actions that will address the ecological, biological and socio-economic challenges posed by IUU fishing in a coordinated and integrated manner with collaboration between Philippine Government departments and agencies.


3

The NPOA-IUU for the Philippines establishes the Philippine Committee Against IUU Fishing composed of authorized representatives from the Office of the President, Department of Agriculture, Department of Transportation and Communications, Department of the Interior and Local Government, Department of Finance, Department of Justice, Department of National Defense, and Department of Foreign Affairs and their respective offices and attached agencies, including concerned economic zone authorities, as well as representatives from the private sector. The Secretary of Agriculture or his duly authorized representative shall serve as the Chairperson of the Committee.


Salient Features of the NPOA-IUU

- All-State Responsibilities, delving on international and national policies that aim to address all aspects of IUU fishing in an effective manner.
 - Measures related to Flag State Responsibilities to ensure that fishing vessels entitled to fly the Philippine flag do not engage in or support IUU fishing.
 - Coastal State Measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone
 - Port State Measures to control port access by fishing vessels in a move to prevent IUU fishing
 - Trade-related measures adopted by Regional Fisheries Management Organizations (RFMOs) to which the Philippines is a party.
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International Instruments Relating to IUU fishing that the Philippines has ratified and/or accepted

- LOSC: United Nations Convention on the Law of the Sea, Montego Bay, Jamaica, 10 December 1982
 - UN Fish Stocks Agreement: Agreement for the Implementation of the Provision of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, 08 September 1995
 - FAO Compliance Agreement: Food and Agriculture Organization (FAO), Agreement to Promote Compliance with International Conservation and Management Measures by fishing Vessels on the High Seas, Rome, Italy, 24 November 1993
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International Instruments Relating to IUU fishing that the Philippines has ratified and/or accepted

- 1995 FAO Code of Conduct for Responsible Fisheries (a voluntary instrument)
 - IPOA-IUU: FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Adopted on 23 June 2001 at the 120th Session of the FAO Council (a voluntary instrument)
 - WCPFC Convention: The Convention for the Conservation of Highly Migratory Species in the Western and Central Pacific
 - The Agreement on Port State Measures (PSMA): The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 5 June 2016
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Thank you.

