

ISSUE PAPER ON FISHERIES ADMINISTRATION

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Context

The Philippines is a country with extensive marine resources. We are the 12th top fish producing nation from among the fifty-four (54) countries in the world. Our fisheries production figures will indicate that our coastal and marine resource endowments are capable of producing enough food for our domestic consumption and contributes largely to our Gross Domestic Products (GDP).

From BFAR 2000 Fisheries Profile, the fishing industry contribution to the country's Gross Domestic Product (GDP) were 2.3% (Php.76.4 Billion) at current prices. It also has the largest share of 14.5 % to Gross Value Added in agriculture, next to agricultural crops. It also provides 75% protein to the Filipino diet.

These good performance of our fishery production are not manifested in the situation of our coastal communities as well as to the condition of our marine resources. The rapid destruction and decline of our fishery resources had caused widespread poverty which remains the major problem of our fishing industry.

The framework for fisheries and aquatic resources management remains founded on the basic assumptions that all natural resources belong to the state. *Section 2, Article XII of the Philippine Constitution declares, "wildlife, flora and fauna, among other things , are owned by the state and the disposition, development and utilization thereof are under its full control and supervision"*. It serves as basis for the management and development of the country's vast fishery resources and the promotion of its "open access" nature of utilization. (Perez and Cruz, 1997). It is also within this principle that the administration of our fishery and aquatic resource are highly centralized to the government.

Crucial to the development and management of our fishery and aquatic resources is an institution which will administer the formulation and implementation of policies and programs of our government for fisheries. Through the Local Government Code of 1991 (Republic Act 7160), the Local Government Units (LGU) were given specific powers and responsibilities over resources under their jurisdiction, in the case of fishery resources, the 015 kilometer municipal waters. Local fishery and fishery related legislations or any other promulgation as well as Comprehensive National Program were still under the national government agency.

The Local Government Code recognized the GO-private-public partnership as a strategy by the government in the promotion of people empowerment in agriculture and fishery development. With the government's priority program on agricultural modernization, tripartite

partnership has been vital in addressing rural development and poverty alleviation in the countryside.

Institutional Mechanisms for Fisheries Administration in the Fisheries Code (Republic Act 8550, 1998)

The Philippine Fisheries Code of 1998 also known as the Republic Act 8550 provided a new framework for management and development of Philippine fisheries from “open access” and maximum utilization (1975 Presidential Decree 704) to access limitation and conservation for sustainable development. Its principles has been for the attainment of its goal for Food Security, Poverty Alleviation, Sustained Management, Conservation and Protection and Improvement of its Productivity.

Carrying the new concept for management, the code reconstituted the Bureau of Fisheries and Aquatic Resources (BFAR) as a line agency of the Department of Agriculture (DA). It is mandated to carry out the implementation of the provision of RA8550 and in attending to the needs of our fishing industry.

The nature of BFAR as a line agency of the Department of Agriculture was not clearly stated in the provisions of RA 8550. Its jurisdiction however was limited beyond 15 kilometers municipal water and will provide technical support to the government units mandated to administer its own territorial waters. Thus, as a national governing agency for fisheries, its major tasks is to formulate, instigate and promulgate policies and plans for national fishery management and development. Research and technical support for increasing productivity of the sector is also one of its major responsibility.

In order to put into operation its functions, the President of the Philippines appoints Undersecretary for Fisheries and Aquatic Resource in the DA. Still under the political clout, the administration can be subject to power struggles within the government. The establishment of regional, provincial and municipal offices in close coordination with the Local Government Units serves as local agents of the central government in managing our marine and aquatic resources.

The Fisheries Code of 1998 provides for the creation of consultative mechanism in the Department of Agriculture (DA) such as the Fisheries and Aquatic Resources Management Council (FARMC). This is a body created from the local and the national level of the government composed of GO, private sector, and NGO/PO representatives that functions as consultative, advisory and recommendatory council to the DA-BFAR on matters related to the formulation and implementation of fisheries related policies, plans and programs as well as in resource allocation.

The FARMC has been regarded an important arena for civil sodety participation in government's decision and policy-making processes. It ensures effective governance responsive to the needs of the people particularly the marginalized sectors of society. Likewise,

it is where local initiatives influence and integrates into the national policy direction of the fishery development.

Given the significance of FARMC as a venue for civil society participation, it is important and relevant to critically assess and evaluate its actual effectiveness and appropriateness as well as its functionality as a strategy for community empowerment in fisheries management.

Currently, efforts are now being initiated by various civil society groups in preparation for the mandatory review by Congress of the Fisheries Code, three years after its passage.

The succeeding sections present problems and issues confronting fisheries administration. It likewise explores policy options to address the issues.

Problems and Issues of Fisheries Administration

The Fisheries Code provides innovative concepts for fisheries administration by localizing central structures of management and bringing in opportunities for civil society participation in government's decision and policy-making processes. The creation of FARMC has provided the fishers the venue to engage and influence the national policy directions of the fisheries sector through mainstreaming policy reforms and demonstrating alternative programs. The viability of this new administrative mechanisms, however, should be evaluated in response to the framework and principle the code is trying to implement. For three years of operation, several stakeholders of the fishing industry had identified the following issues and problems confronting these management structures.

1. Unclear definition of its nature as a line Bureau of the Department of Agriculture.

With the bureau still subsumed to the Department, fisheries sector has been marginalized which caused the lack of a responsive fisheries development program of the BFAR. As a result, the state of the country's coastal/marine resources remains in critical condition while small fishers are still mired in poverty as a result of the exploitative regime that exists in the management of coastal and fishery resources. This would mean improper and ineffective enforcement of fisheries code provisions on "access limitation".

As the main institution responsible for fisheries development, BFAR programs has focused its priorities and resources on increasing the production from the aquaculture and commercial fishing sector while further marginalizing the municipal fisheries sector where a third of Philippine population is dependent.

In the present MTADP (Medium Term Agricultural Development Plan), the agriculture and fisheries development imperatives is moving towards market-led, technology and biotechnology based approach. According to BFAR, the fish production requirement of

the country for 10 years is expected to be aggressively address by the aquaculture sector despite the reality of increasing fish production in the municipal and commercial fishing sector. Fisheries policies and programs are rather oriented towards the doldrum of globalization and liberalized regime which characterize dependence on importation, biotechnology, trade liberalization of agricultural products such as fisheries. This is a clear manifestation of an ineffective governance and administration of the fisheries sector by BFAR, in relation to the principles of conservation, management and protection the fisheries code is trying to promote.

2. *Lack of Powers of FARMC*

There has been a strong perception that local community initiatives still lack the ability to effectively influence the direction of country's agriculture and fisheries development. Being just a recommendatory body and where representatives are appointed by government officials, power struggles among the PO's, NGO's and political blocks are heightened from local to national council.

On the other hand, given its nature, the implementation of policies and programs are still within the control of the state through its Local Government Units and the DA-BFAR. Genuine participation of the people to decision making processes cannot be realized by providing venues of representation that the government also dictates.

On the other hand, the FARMC, while it should be created down to the barangay, has not been functional and inefficient. Most of the established FARMC of BFAR and the Government Units do not follow the Implementing Rules and Guidelines for its Creation and are subject to the decisions and control of these governing agency. These mechanism for people's empowerment in fishery management, however, do not allow direct participation of fishers in the policy and decision making processes.

3. *Confusion in the Jurisdiction of the Different Fisheries Management Structures in the Government.*

The Agriculture and Fisheries Modernization Act (AFMA) created the National Agriculture and Fisheries Council (NAFC) which has the same nature to the FARMC and directly supervised by the Secretary of Agriculture. RA 8550 included the National Fisheries Research and Development Institute (NFRDI) as a research arm of the Bureau (BFAR). It is operationalized by a Governing Board and the Executive Director appointed by the President. It is evident that NGO are not represented in the governing board of the research institute given its expertise in the field of research. Likewise, the relation of DA-BFAR functions to the Department of the Environment and Natural Resources (DENR) in the management of the marine and aquatic resources are not clearly defined in the Fisheries Code.

EO 293 or the Administrative Code of 1987 states that, "the Department of Environment and Natural Resources (DENR) has the primary responsibility for the full exploration and development as well as the judicious utilization, management, renewal, and conservation of the country's forest, mineral land, water, fisheries, wildlife, offshore seas and other resources. DENR to control and supervise the exploration, development and utilization of the country's natural resources and shall promulgate rules, regulations, and guidelines on the issuance of licenses, permits, concessions lease agreements, and utilization of the country's marine, fresh water and brackish water and overall aquatic resources of the country" (Perez and Cruz, 1997).

Fisheries Code, as the governing policy of the state for fisheries, do not clearly define the complementation with other National Laws and Structures. The result of which, is inconsistency with other national laws and not coordinated systems of fisheries administration by the state. This contributes very much in the failure of the government agencies in implementing its program for fisheries development.

Policy Options

The new framework for fisheries management that the Fisheries Code provides needs a clear system of administration and structures in order to attain its goal for fisheries development. The capacity of DA-BFAR should be strengthened by providing institutional support that will enhance its capacity in carrying out its function as the major agency governing our fishery sector.

This would mean strengthening the fisheries code provision on administration by clearly defining the different agencies involve, systems and mechanism for management and criteria for the selection of its personnel.

Also, critical to administration is the clear guidelines for coordination within and among the different agencies of the government concerned with marine and aquatic resources. It is also necessary that the code are consistent with other national laws governing different agencies for marine resource management.

In the present Medium-Term Agricultural Development Plan (MTADP) under the leadership of Secretary Montemayor, the DA has put primacy on the role of the NAFC and FARMC in achieving its goals of food security, increased incomes and empowerment in Philippine agriculture. It has given new direction, priorities and capacities in sustaining the empowerment and peoples participation in the affairs of the government.

Given the new role of these bodies in the agriculture and fisheries modernization thrust of the government, the great challenge for civil society organizations is precisely how to maximize and strengthen their participation in the different committees and local networks of which they are members. As government's partners in agricultural development, their active

and sustained participation is key to achieving a sustainable rural development that will ultimately benefit the small farmers and fishers.

Civil society such as the NGOs and POs have been critically engaging the government through the implementation of community-based coastal resource management initiatives in the different coastal/marine areas across the country. Through these efforts, NGOs/POs have been vigorously working for policy reforms, while at the same time demonstrating the viability of such community-based initiatives, in order to influence the policy and practice of CBCRM.

Recognizing the significant role of NGOs, POs and other stakeholders in the promotion of community empowerment in coastal and fishery resource management, there is a need to build and strengthen their capabilities in maximizing various arenas for NGO/PO participation in government's policy/plan/program formulation and decision-making processes.

Given the wealth of experience gained from GO-NGO partnership in coastal and fishery resource CBCRM through FARMC, it becomes increasingly important to take stock of how such partnership evolved in terms of how Civil Society Organizations contributed to developing an enabling policy environment conducive to CBCRM promotion.

FISHERIES ADMINISTRATION Issue Paper Summary Matrix

Issues	RA 8550 Provisions	Comments	Options
1. Unclear qualification of undersecretary for fisheries and Aquatic Resources in DA	Chapter 3, Article 1, Section 63	As a political appointee the position will be subject to political struggles only within the government and the selection process will not be based on the capacity to administer the Bureau	Define the qualifications and criteria for appointment
2. Unclear definition of the nature of BFAR as a line Bureau of the Department of Agriculture	Chapter 3, Article 1, Section 64	The provision do not provide clear guidelines regarding its reconstitution from a staff to a line bureau of the Department of Agriculture As a main governing	Enhance the provision on the reconstitution defining its nature as well as guiding principles for its operation Creation of a

	Chapter 3, Article 1, Section 65	<p>agency implementing the code, the nature of its operation in accordance to the principle and goals the code provides for the management of fisheries are necessary to include in its provisions</p> <p>BFAR as a line bureau is mandated to formulate and enforce policies and national fishery development plans for the fishery sector however the authority still came from the Department in materializing all its functions, since the focus of the department is on agriculture, it result to marginalization of the fishery sector</p> <p>Coordination with the different implementing agencies needs further clarification in the provision such as to the LGU's, NFRDI, NAFC, DENR</p>	<p>separate Department on fisheries to upgrade systems and programs of the state for the development of fisheries sector</p> <p>Improvement of its functions, capacity and resources to implement its own programs</p> <p>Additional provision clarifying coordinating systems of the different agencies</p>
3. No representation of NGO's in NFRDI	Chapter 5, Section 82	The creation of NFRD as a research arm of DA-BFAR to some extent promotes stakeholders participation. The representation in the governing board almost consists of the different sectors concerned with fishery development. The NGO based on its capacity to implement fishery	<p>NGO representation in NFRDI governing Board</p> <p>Additional provision regarding its support and coordination to DA-BFAR</p>

		programs has been a major stakeholder in fishery	
4. Lack of Powers of FARMC's	Chapter 3, Article 2, Section 68 to 78	<p>The sections stresses the creation of FARMC's as the recommendatory body to the local government units to the DA in implementing policies and programs for fisheries.</p> <p>There is no guarantee that the programs and policies recommended by the council are to be implemented by the government agencies. In effect, the council do not have legal authority to influence government decisions and policies.</p> <p>The link between the local FARMC and the NFARMC are not provided in the code</p>	<p>FARMC should be strengthened as an implementing council not limited to advisory/ recommendatory body</p> <p>Provision that defines engagement between the government and FARMC in terms of implementing fisheries programs</p> <p>Process of coordination and uniformity of the council should be provided</p> <p>Ensure that the FARMC created by DA-BFAR and LGU's follows the implementing rules and guidelines for its creation and the genuine representation of fishers</p> <p>Review and Assessment of its functions and</p>

			composition
5. Lack of provision to ensure genuine participation of municipal fisherfolk in fisheries administration	Chapter 3, Article 2, Section 68 to 78	All administrative mechanisms created in the Fisheries Code do not allow direct participation of fisherfolk in the decision making processes. Its representation are appointment from the President without clear guidelines and criteria	Creation of mechanisms that would allow direct participation of fishers in government implementing councils Additional provision on guidelines for the selection of representatives in FARMC as well as criteria
6. Non-representation of women in NFARMC	Chapter 3, Article 2, Section 70	Women representation in the local FARMC are recognized but not consistent to the NFARMC	Allocate sets for women representation at the national FARMC
7. Confusion in the Jurisdiction of the Different Fisheries Management Structures in the Government.	AFMA-(RA 8435) RA 8550 Sections 68-79 - FARMC Sections 82-85- NFRDI DENR-PAMB NAPC	Different sources of mandates but same functions of these councils/committees	Creation of a “body” which will coordinate all these councils and committees Fisheries Code should be consistent with other national laws governing fishery and aquatic resources

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