

## **Women-Managed Area: A Rights-Based Approach to CRM**

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One can sit and talk with a woman fisher and discuss about her issues in a day without end. While a woman farmer can easily point to one or two tangible issues that affect her, particularly, having no *de facto* equality in entitlement to land, a woman fisher's situation is embedded in a complex web of problems and issues that blur her identity and claims. A woman fisher is considered to be a member of the agricultural labor but without a claim to land upon which her home is built. Her labor in the home and the market, and the things she does like drying and selling fish, is not of the same value as the work done to catch the fish. And on top of that, she is not considered a fisher. That situation can be said, many will argue, have changed, and women as fishers have been recognized through recent legislative measures which will be discussed in this paper.

This paper aims to present the legal basis for the concept of Women-Managed Area (WMA). However, the sociological basis cannot be separated from the legal basis in the same way that the recognition of the identity of women as fishers is inseparable from her rights to participate and benefit from coastal and fisheries development. Suffice it to say that provisions that has gone into its current legal status is not because of the inherent ability of the law to be responsive to women's concerns, but by the actions of women and interested groups to put into law what are inherently the rights of women and every person, for that matter, according to human rights ideas.

This paper elaborates the Women's Coastal Zone as a rights-based framework for women's claim-taking over the coastal resources.

## **Conceptual Framework for Gender in Coastal Resources Management**

### ***Women and Community Property Rights***

The coastal zone<sup>2</sup> is highly contested physical area, as various groups and sectors have laid claim to its bounty to the extent of tragedy – the destruction of its natural resources. The *tragedy of the commons* is a theoretical concept relating to the absence of clear ownership over a shared or “common” pool resource, whereby everyone has the incentive to take as much as one can, before others do, leading to the diminished capacity of the natural resource base to sustain its natural/biological reproductive processes.

In the Philippines, the absence of a clear “owner” of the coastal zones stems from having a weak state – the *de jure* “owner” – that promotes both willfully and unconsciously the prevalence of the open access situation that has led to the tragedy of the commons.

An alternative regime, called community property rights has been advocated in which a form of private property is granted to a community, and has been shown to be a more effective

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<sup>2</sup> Coastal zone, coastal areas and coastal resources are used interchangeably.

approach in managing common pool resources. In the Philippines, the legal basis for granting community property rights as titles has not been enacted but existing property rights laws has the potential of recognizing community titles, such as the Indigenous Peoples Rights Act (IPRA).<sup>3</sup>

Community-based coastal resource management as a response to the open access situation in the fisheries has been promoted as an alternative approach to top-down processes.<sup>4</sup> A fundamental question is, who is the "community"? In CBCRM, the "community" refers to the direct users and stakeholders in the management of the coastal resources. Meanwhile, when speaking of co-management as a strategy, the community as one end of the spectrum as opposed to the government on the other end, the community refers only to the direct users of the resources<sup>5</sup>.

### ***Women's Coastal Zone***

The coastal zone is not a rigidly bounded nor rigidly defined space, but undoubtedly the most productive area of the marine and inland waters. It has also been subject to multiple uses and claimed by different user groups.

Women's Coastal Zone (WCZ) as a framework refers to the claim that women as users of the natural resources within the coastal and who survive by its natural productive capacity, have an equal stake in the management of the coastal zone. As an analytical framework, WCZ stands for the claim of women fishers over the entire coastal zone, as members of the "community" who, as earlier argued, are in the best position to manage it. The elements of this framework include: definition of the coastal zone from the perspective of women and women's claims as equal protectors and managers of the resources within it.

Women's Coastal Zones is a claim that women have the **equal right** over the resources, as with other sectors. This claim underscores the idea that the entire coastal zone/municipal waters is also women's zone because any change in the coastal zone affect women's lives and status in the community.

The peculiar nature of women as a sector is that it refers to diverse subgroups of women that have different stake over the status of the coastal zone. Poor women fishers belong to either municipal fisherfolk or as informal workers in aquaculture farms. Similarly, women fishers involved in different post-harvest activities face different day-to-day problems in relation to the market. The vulnerability of women hawkers who walk across the community may be slightly different from the vulnerabilities of women vendors renting stalls in the market. Women as seaweed farmers face different problems from wives who take on unpaid work in fishponds to support their husband. The point being, different groups of women may have different practical interests in the management of the coastal area in some respects, but their strategic interest converge in the need for recognition of women fisher's equal right to management of the coastal resources. To not recognize women's claims over the coastal zone is to deny the presence of

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<sup>3</sup> For further information see Cruz, \_\_\_\_\_. In "Power, Spaces, and Titles." In *Lundayan Journal*. Q.C.: Tambuyog Development Center, 1999.

<sup>4</sup> See Rivera-Guieb, R. "Reinventing Power and Politics in Communities: Community-based Coastal Resource Management in the Philippines," pp.3-22. In "Power, Spaces, and Titles." In *Lundayan Journal*. Q.C.: Tambuyog Development Center, 1999.

<sup>5</sup> See dela Cruz, Quirino, \_\_\_\_\_ and Pomeroy (co-management)

gendered nature of women's life in coastal areas – that of subordination, marginalization, invisibility, non-valuation of labor contribution, to name a few.

Women's Coastal Zone as an analytical framework articulates the breadth and depth of **women's roles in the fisheries both in production and reproduction**, that capture activities do not only pertain to the market-oriented production or what is currently defined in the law, but include subsistence activities which are mostly performed by women and children within the coastal zone, usually invisible in macroeconomics. It is an assertion of the important contribution of women in the local and national fisheries economy, and in the survival of fishery-dependent families, especially the poor municipal fishing households. Such recognition **should result in policies, programs and institutional reforms** that will enable women to participate in decision-making and management, e.g., mandatory consultation with women on projects that will be implemented along the coastal zone.

Needless to say, the Women's Coastal Zone is based on a framework of human rights. The human rights framework underscores the universality and indivisibility of human rights. As such, the totality of human rights are *not* bestowed or granted to individuals but are inherently possessed by every person, regardless of gender, age, class, ethnicity, etc. The human rights approach also places the primary responsibility upon the government to promote, protect, and fulfill the right of every person, called "state obligation". However, the responsibility of non-state actors and private entities are also called upon in the realization of rights.

Thus, the framework of human rights applied to Women's Coastal Zone is the recognition of women as equal partners in the sustainable development of the coastal resources, and demands upon the state and other actors to promote, protect and fulfill this right of women as do men. This is clearly embodied in the 1987 Constitution,

Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

It is also important to note that equality has its formal as well as substantive characteristics. Formal equality seeks to address direct discrimination, in this case, to gain equal opportunity to participate in resource management.

### ***Women-Managed Areas***

One of the strategies to realize women's rights in the coastal zone is the promotion of women-managed areas (WMA). The term refers to both the area or unit of management and the strategy to manage it, i.e., being inclusive of women and gender concerns.

WMA as a unit of management refers to **areas** within the coastal zone (seaward and inland) where women derive **subsistence and other livelihoods**, and which also serve other purposes that shape women's lives and the community which they belong, and which have been designated for the management and control by women either exclusively or jointly with men.

Using this definition, there are several important points that need to be emphasized. First, as a unit of management, WMA may be any of the following:

- areas within established marine protected areas, marine/fish sanctuary, areas covered by community-based forest management or mangrove stewardship agreements, or other areas designated for the purpose of rehabilitation and protection of the coastal resources
- new areas that have been designated especially for women's management.

WMA emphasizes that resources used by women should be managed by women. It thus promotes alternative sites for resource management such as seagrass beds and gleaning areas that are not usually covered by existing marine protected areas. This does not preclude, however, women's claims for managing a fishery resource, even if they are not directly fishing in that area, but because they are involved in the marketing of such resource, will benefit in its management.

Second, as a strategy, WMA may be done either solely by groups of women or jointly with men. This emphasizes the appropriateness of strategies to manage the resources based on local conditions, eg capacity of women to manage, status of resources, social acceptability. What is important in assigning WMA is that women exercise decision-making over

- what resources are managed and where the management unit is located
- who are entitled to preferential use resources
- how resources will be utilized, eg what actions are allowed or prohibited
- who manages, ie., composition of the management structure
- how financial, material and human resources are used to manage a resource or benefit from its management.

Women-Managed Areas can be considered as "temporary special measure", where, in order to accelerate the equality in opportunity to manage the coastal resources and in the enjoyment of their benefits over the resources, WMA focuses on developing women's capacities in resource management, prioritizing their access to resources, increasing their numbers in fisheries governance bodies, as a few examples of the strategies (or measures) necessary to establish WMA. In accordance with CEDAW principles, such measures are not to be considered as discriminatory against men:

xxx Temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards.xxx (Article 4.1)

## **Women's Rights in International Conventions and Agreements**

The international conventions and agreements to which the Philippines have signed provide the rights framework for advocacy for WMA and in a broader context, the WCZ. The provisions on the **elements of WMA** are stated or summarized in this section.

### ***Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)***<sup>6</sup>

CEDAW provides a comprehensive legal framework for women's human rights. Its goal is to achieve gender equality through the eradication, by act of legislation and government action, of any form of gender-based discrimination in policy and action, especially by the state as a chief duty-bearer.

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<sup>6</sup> Adopted by the United Nations General Assembly on 18 December 1979 and signed by the Philippines on 15 July 1980. Ratified by the Philippines on 5 Aug 1981.

The treaty's definition of discrimination is very relevant to this discussion because the marginalization that women fishers have experienced historically, particularly in participating in resource management, is a result of some form of gender-based discrimination. The treaty defines discrimination as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."<sup>7</sup> In simpler terms, elements of discrimination can be determined by its (1) *manifestation*, as a distinction, exclusion or restriction, (2) effect of the gender bias, (3) prejudice based on *marital status* of a woman, and (4) application in any and *all fields* of human interaction and relations.

WMA that promotes women's visibility in the coastal sector, especially in the management and enjoyment of benefits, can be understood as "positive discrimination", or in the words of the treaty, "temporary special measures" to "accelerate the *de facto* equality between men and women".<sup>8</sup>

What does "*de facto* equality" mean? Here, we need to distinguish between formal and substantive equality. Formal equality, often manifested in a gender-neutral framing of a policy or law, may not be sufficient to ensure women's equal enjoyment of the same rights as men.<sup>9</sup>

The framework of the CEDAW Convention is based on a corrective or substantive approach to equality. It recognises that to redistribute benefits equally between women and men, approaches to promoting women's human rights must, in the process, transform the unequal power relations between women and men. In this regard, the State must create enabling conditions so that obstacles which prevent women from achieving equality, solely on the basis that they are women, are removed. Hence, the Convention also recognises that for equality of results to occur, women and men may need to be treated differently. Moreover, as equality must be ensured to *all* women, the disadvantaged position of different groups of women based on other status such as race, ethnicity, caste, nationality, religion, etc. encompasses another layer to equality that the CEDAW Convention takes into account.<sup>10</sup>

Thus, WMA can be considered as a process to "accelerate equality" in order for women to have a venue to develop their capacities to manage and protect the coastal resources, in equal standing and in partnership with men who have been traditionally dominating the fishery governance.

Other provisions of the treaty relevant to the issues of women in fisheries include:

- equal responsibility of spouses in the nurturing and upbringing of their children (Article 5)
- suppression of all forms of trafficking in women and exploitation of prostitution of women (Article 6)

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<sup>7</sup> Convention on the Elimination of All Forms of Discrimination Against Women, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (last accessed 8 May 2010).

<sup>8</sup> *Ibid.*; Temporary special measures shall not be considered discrimination as defined in the Convention and should in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

<sup>9</sup> International Women's Rights Action Watch Asia Pacific, 2008. *Our Rights Are Not Optional! Advocating for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) through its Optional Protocol, A Resource Guide* (Kuala Lumpur, Malaysia).

<sup>10</sup> *Ibid.*, p. 4.

- participation in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government (Article 7)
- participation in non-governmental organizations and associations concerned with the public and political life of the country (Article 7)
- equality in opportunity to represent the government at the international level and to participate in the work of international organizations (Article 8)
- elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education (Article 10)
- similar opportunities to benefit from scholarships and other study grants and access to programmes of continuing education, including adult and functional literacy programmes (Article 10)
- access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning (Article 10)
- right to work, the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment, the right to social security, and safe working conditions, (Article 11)
- equality of access to health care services (Article 12)
- equality in the economic sphere including the right to bank loans, mortgages and other forms of financial credit (Article 13)
- equality in the social sphere including the right to participate in recreational activities, sports and all aspects of cultural life (Article 13)
- attention to particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy (Article 14)
- equality with men before the law (Article 15)

## ***Agenda 21***

Agenda 21 is a comprehensive plan of action agreed during the United Nations Conference on Environment and Development (Earth Summit), held in Rio de Janeiro on June 14, 1992.

One of the Rio Declaration principles pertain to women:

### Principle 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Objectives of the *Global Action for Women Towards Sustainable & Equitable Development*:

- (a) To implement the Nairobi Forward-looking Strategies for the Advancement of Women, particularly with regard to women's participation in national ecosystem management and control of environment degradation;
- (b) To *increase the proportion of women decision makers*, planners, technical advisers, managers and extension workers in environment and development fields;
- (c) To consider developing and issuing by the year 2000 a strategy of changes necessary to eliminate constitutional, legal, administrative, cultural, behavioural, social and economic obstacles to women's full participation in sustainable development and in public life;

- (d) To establish by the year 1995 mechanisms at the national, regional and international levels to assess the implementation and impact of development and environment policies and programmes on women and to ensure their contributions and benefits;
- (e) To assess, review, revise and implement, where appropriate, curricula and other educational material, with a view to promoting the dissemination to both men and women of gender-relevant knowledge and valuation of women's roles through formal and non-formal education, as well as through training institutions, in collaboration with non-governmental organizations;
- (f) To formulate and implement clear governmental policies and national guidelines, strategies and plans for the achievement of equality in all aspects of society, including the promotion of women's literacy, education, training, nutrition and health and their participation in key decision-making positions and in management of the environment, particularly as it pertains to their access to resources, by facilitating better access to all forms of credit, particularly in the informal sector, taking measures towards ensuring women's access to property rights as well as agricultural inputs and implements;
- (g) To implement, as a matter of urgency, in accordance with country-specific conditions, measures to ensure that women and men have the same right to decide freely and responsibly the number and spacing of their children and have access to information, education and means, as appropriate, to enable them to exercise this right in keeping with their freedom, dignity and personally held values;
- (h) To consider adopting, strengthening and enforcing legislation prohibiting violence against women and to take all necessary administrative, social and educational measures to eliminate violence against women in all its forms.<sup>11</sup>

## ***Beijing Platform for Action***

1995

The Beijing Platform for Action is a comprehensive strategy adopted by governments and civil society during the Fourth World Conference on Women in Beijing. It upholds women's rights as human rights, as enshrined in the CEDAW. It "builds on consensus and progress made at previous United Nations conferences and summits - on women in Nairobi in 1985, on children in New York in 1990, on environment and development in Rio de Janeiro in 1992, on human rights in Vienna in 1993, on population and development in Cairo in 1994 and on social development in Copenhagen in 1995 with the objective of achieving equality, development and peace."<sup>12</sup>

The Beijing Platform for Action is an important document in as much as it is both a framework, a vision, and an actionable programme that captures the integratedness of women fishers' issues and rights – from family welfare to sustainable development, peace, and participation in governance. The document outlines critical areas of concern, all of which are relevant to women fishers; one in particular, the recognition of gender inequalities in the management of natural resources and in the safeguarding of the environment.

The strategic objectives and some proposed actions on Women and Environment by different actors (government, international organizations, NGOs and private sector) include (1) involvement of women actively in environmental decision-making at all levels, (2) integration of gender concerns and perspectives in policies and programmes for sustainable development, and (3) strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.

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<sup>11</sup> Agenda 21, [http://www.un.org/esa/dsd/agenda21/res\\_agenda21\\_24.shtml](http://www.un.org/esa/dsd/agenda21/res_agenda21_24.shtml) (last accessed 8 May 2010)

<sup>12</sup> United Nations, 1995. Report of the Fourth World Conference on Women, 4-15 September 1995, Beijing, <http://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf> (last accessed 8 May 2010).

Governments are called to “develop a strategy for change to eliminate all obstacles to women’s full and equal participation in sustainable development and equal access to and control over resources... and mechanisms to increase the proportion of women, particularly at grass-roots levels, involved as decision makers, planners, managers, scientists and technical advisers and as beneficiaries in the design, development and implementation of policies and programmes for natural resource management and environmental protection and conservation;”<sup>13</sup> Other actions to achieve these three strategic objectives include:

- involvement of rural and IP women and promotion of traditional knowledge of women and local communities in decision-making regarding sustainable resource management and the development of policies and programmes for sustainable development;
- participation of women in the entire development process, from planning, implementation, monitoring and evaluation, ensuring that environmental policies and the design of environmental programs of public and private institutions are consider gender;
- promotion of infrastructure, sustainable and affordable energy technologies, human settlement and other environmentally sound technnologies that are appropriate for women, and ensure that clean water is available and accessible to all by 2000;
- protection of women and reduce risks to women from identified environmental hazards at home, at work and in other environments, ensuring adequate research on gendered impacts of these risks and hazards;
- promote education and careers of women in environmental management, economics, agriculture, fisheries, trade and industry, communication, and related fields to advance women’s expertise and participation in these activities;
- support women’s consumer initiatives by promoting the marketing of organic food and recycling facilities, product information and labelling using language and symbols that are understood by consumers regardless of age and level of literacy; and
- develop gender-sensitive databases, information and monitoring systems.

### ***Millenium Development Goals***

Adopted by the UN General Assembly on 18 September 2000

In the Resolution adopted by the General Assembly entitled the *United Nations Millennium Declaration*, it is again reiterated that equality including based on gender, environmental protection and sustainable development, democracy and governance, peace, and protection of the vulnerable groups are intertwined development concerns.<sup>14</sup> The Millenium Development Goals (MDGs) consist of eight goals to be achieved by 2015 that respond to the world's main development challenges. These eight goals are all important to contribute to development for all, including fishing communities and women:

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal primary education
- Goal 3: Promote gender equality and empower women
- Goal 4: Reduce child mortality
- Goal 5: Improve maternal health

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<sup>13</sup> *Ibid.*, p. 107.

<sup>14</sup> Fifty-fifth session Agenda item 60 (b), Resolution adopted by the General Assembly, 55/2-United Nations Millennium Declaration, 18 September 2000, <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> (last accessed 8 May 2010).



- Goal 6: Combat HIV/AIDS, malaria and other diseases
- Goal 7: Ensure environmental sustainability
- Goal 8: Develop a Global Partnership for Development

The third goal, *promote gender equality and empowerment of women* will be measured by the following indicators:

- Ratios of girls to boys in primary, secondary and tertiary education
- Share of women in wage employment in the non-agricultural sector
- Proportion of seats held by women in national parliament

Goal 7, *ensure environmental sustainability*, includes 4 targets: (a) integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources, (b) reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss, (c) reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation, and (d) achieve significant improvement in lives of at least 100 million slum dwellers, by 2020.

## **Summary**

To summarize, WMA presents opportunities for women not only to demonstrate and develop their capacities in managing coastal resources that are important to them. It can also be promoted as a strategy to address specific issues and concerns of women – lack of employment and livelihood opportunities, trafficking and prostitution especially in the context of tourism and urbanization in coastal settlements, population management and delivery of reproductive health services, among a few. For example, WMA, the management of coastal resources by or with women, can be promoted as a strategy to provide women opportunities to benefit from its management through access to natural and economic resources and at the same time reduce women's vulnerability to exploitation by developing their articulation skills and expanding their knowledge about their rights. Overall, mainstreaming WMA as a strategy in fisheries management and governance should also be promoted as a contribution to the achievement of gender equality as embodied in the international agreements to which the Philippine government has signed.

## ***WMA Guiding Principles: A Checklist in Operationalizing Women's Empowerment and Gender Equality***

As a strategy, WMA can be appreciated as a process to empower women fishers and to achieve gender equality in the fisheries sector. Resource management arrangements with the participation of women is not automatically WMA, but women's participation is a necessary element of in transforming development processes in the fisheries sector to be gender-responsive. Neither is WMA exclusively about women. Any one or a combination of the following principles underscore the elements of WMA:

- ☑ ***Effective participation of women.*** Effective participation is not merely consulting women about their problems, or having their presence in coastal resources management activities. Effective participation of women is giving women voice in deciding about the utilization and management of the coastal resources. Effective participation is when women's analysis of

their problems and needs are taken into consideration in the entire development process, and that the solutions they propose become part of the overall strategy in managing the coastal resources and developing the fisheries industry. Women's representation is a higher form of participation in that it is a recognition of women's distinct experiences, needs and interests in managing the coastal resources, but it is not the end-goal of participation. Effective participation is ultimately about empowerment of every woman to be in equal status with men in all areas of development.

Women fishers' effective participation leads to other development benefits such as transforming natural resource management structures, i.e., when the whole community and the structures that govern the management of coastal resources are involved in ensuring that women and men have equal roles and benefits in sustainable fisheries development.

- ☑ **Ensuring women's equitable access and control over natural resources.** The CBCRM principle of equity is about social justice. Equitable access seeks to achieve both proportionality and redistribution, but in the context of social justice, it is more of the latter. One of the goals of women's participation in resource management (first element described above) is to influence the agenda of coastal resources management so that its nature, objectives, strategies, processes and outcomes consider women's specific needs and interests.

Ensuring women's equitable access over coastal resources may entail *any* of the following actions:

- Revisiting and improving existing resource management plans to integrate women's concerns (eg including a component for women to manage mangrove nurseries, shifting/rotation of patrolling tasks and schedule to accommodate women's participation)
  - Improving existing fisheries resource policies (eg ordinances) to include women's concerns (eg ensuring higher representation of women in co-management bodies and FARMCs, including management of areas used by women)
  - Assignment of specific areas to be managed exclusively by women
  - Planning, implementation, monitoring and evaluation of coastal resources management plan with women's participation.
- ☑ **Transforming values and attitudes about women and gender in fisheries.** As a process, WMA is about transforming how women, men and the whole community see, appreciate and value the contribution of women in the fisheries sector. The process of adopting WMA is also a painstaking consensus-building project in which women's claims over the resources have been considered by other stakeholders either as divisive, exclusionary, and gender biased against men's rights (or other sectors' claims) to use resources. On the contrary, the interest of women to manage the resources is not only for the benefit of the women but the larger community, as has been shown by many other case studies and researches [worldwide] [look for sources]. Thus the process of negotiation in which women put in the center of the discussion table their issues and interests in managing the coastal resources is a necessary element of WMA, towards the acknowledgment of women fishers' equal roles and benefits in coastal resources management.
- ☑ **Inclusivity and partnership with men.** WMA will not be possible without the effective partnership with men. Not only do men traditionally hold the knowledge, resources, power in coastal resource management; they always think they know better. Not only do men traditionally hold the knowledge, resources, power in coastal resource management; they

are also women's intimate partners in the home and ubiquitous neighbors in the community. WMA is not about realizing women's exclusive control or seize of power, it is about shared responsibility, respectful of the equal rights of men and women to use and enjoy the sustainable management of the resources.

From the standpoint of community-based coastal resources management, these elements are consistent with the principles of empowerment, equity, sustainability, systems orientation, and gender fairness.

## **Legal Bases for Elements of WMA**

Do women have legal claim over coastal areas, through women-managed areas? The advocacy for WMA derives its legal basis from the various laws enacted to promote gender equality in the country, which in turn has been an outcome of the painstaking lobby of women's groups and the by ratification of international agreements and treaties on women's rights. Thus, in laying down the legal mandates for WMA, this section outlines each element of WMA described above and the applicable laws that have been enacted since 1992.

### ***Women's Rights to Participation in Natural Resources Management***

The premise for women-managed areas is simple. Women have recognized rights to participation in all areas of development, in accordance with the Women in Nation-Building Act (1992) which states that "the role of women in nation building and shall ensure the fundamental equality before the law of women and men" (Section 2). Furthermore, all government agencies "shall ensure that the active participation of women and women's organizations in the development programs and/or projects including their involvement in the planning, design, implementation, management, monitoring and evaluation thereof" (Sec. 4(3)). The spirit of this law also provides for women's participation in certain areas traditionally occupied exclusively or predominantly by men.

The Magna Carta of Women further affirms the right of women to participation and representation:

*SEC. 11. Participation and Representation.* – The State shall undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development. The State shall institute the... affirmative action mechanisms so that women can participate meaningfully in the formulation, implementation, and evaluation of policies, plans, and programs for national, regional, and local development.

To reiterate, WMA can be considered as a temporary special measure as it seeks to enhance the participation of women in the governance of the fisheries.

The Local Government Code (RA 7160) similarly grants POs and NGOs the recognition as partners in development:

SEC. 34. Role of People's and Nongovernmental Organizations. - Local government units shall promote the establishment and operation of people's and nongovernmental organizations to become active partners in the pursuit of local autonomy.

SEC. 35. Linkages with People's and Non-Governmental Organizations. - Local government units may enter into joint ventures and such other cooperative arrangements with people's and nongovernmental organizations to engage in the delivery of certain basic services, capability-building and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people.

SEC. 36. Assistance to People's and Nongovernmental Organizations. - A local government unit may, through its local chief executive and with the concurrence of the sanggunian concerned, provide assistance, financial or otherwise, to such people's and nongovernmental organizations for economic, socially-oriented, environmental, or cultural projects to be implemented within its territorial jurisdiction. (LGC, *emphasis supplied*)

The important context of women fishers is that not all fishing communities have existing independent women's organizations to pursue women-exclusive WMA. Nonetheless, as members of organized POs, women fishers are entitled to participate in the entire development process of planning to evaluation, and WMA may be the flagship agenda in promoting women's participation in development.

Executive Order 273 or the Philippine Plan for Gender-Responsive Development or (PPGD) in relation to the Local Government Code, mandates LGUs to promote the general welfare (LGC Sec. 16) of and provide basic services and facilities (LGC Sec. 17) to their constituents in advancing gender equality and women's rights.<sup>15</sup>

By extension, women have the right to participate in all areas of resource management and in the governance of fisheries, including the promotion of strategies that will enhance women's capacities to participate in sustainable development of the fisheries sector. WMA seeks to maximize the existing favorable policy environment to promote gender-responsive strategies in the protection and management of the community's coastal resources.

**Women's Representation in Fisheries Governance.** Mandates for women's representation in governance structures is an explicit recognition of the importance of women's direct participation in decision-making, whether it be in policy-making and development of programs and initiatives addressing gender concerns. Representation elevates women's position in the community as partners in the decision-making processes, as governance is about allocating priorities for the general good. Women's representation as an elective member of the local councils at the provincial, municipal and city levels is provided for in the Local Government Code (Sec. 41(c)).

The Social Reform and Poverty Alleviation Act (RA 8425), which provides for the adoption of the Social Reform Agenda (SRA) and the creation of the National Anti-Poverty Commission, espouses a gender-responsive approach to fight poverty as a state policy (SRA Sec. 2). One of the priority sectors of the SRA are the fisherfolk. The National Anti-Poverty Commission, which shall serve as the coordinating and advisory body for the implementation of the SRA, consists of

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<sup>15</sup> Laws and Policies on Women Participation in Governance, a presentation by Saligan during the Gender and Governance Training organized by Pambansang Koalisyon ng Kababaihan sa Kanayunan held in 30 March 2009 at Antipolo City.

representatives from the basic sectors, including artisanal fisherfolk and women (Sec. 6.3(a), Sec. 6.3(g)).

The Fisheries Code provides for the representation of women in Municipal, City and Integrated Fisheries Aquatic Resources Management Councils (M/C/I FARMCs). FARMCs serve in an advisory capacity to the LGUs in the preparation of the Municipal Fishery Development Plan, enactment of municipal fishery ordinances, enforcement of fishery laws, rules and regulations municipal waters, and provide advise the sangguniang bayan/panlungsod on fishery matters (FC Sec. 75(g)). The law is silent, however, on the matter of women's representation at the level of the National FARMC.

WMA promotes the participation of women fishers because direct representation in all levels of fisheries governance structures is a key strategy to influence the goals, objectives, strategies, approaches and processes in the sustainable management of fishery resources. However, the long-term goal is the transformation of fishery governance institutions that is capable of mainstreaming gender concerns regardless of the sponsor's sex.

***Other venues for women's participation relevant to WMA.*** There are still many venues to maximize in pushing for women's equal right to participation and promotion of WMA. These venues and for what purpose is stated here:

- Local Special Bodies (LGC) – participatory policy-making mechanism that formulates the local development plans and budget; can be a venue to ensure that resources are allocated for fisheries management including women-focused activities such as WMA.
- Environmental Impact Statement and Environmental Compliance Certificate (FC Sec. 12-13) – before any development project is approved or implemented, women must be consulted as it may have an impact on the coastal resources that that they utilize or imperil their access to it.
- Registry of Municipal Fisherfolk (FC Sec. 19) – to ensure that women's work and contribution in the fishing economy is recognized and women are "counted" as fishers.
- Aquaculture Development (FC Art. III) – women may opt as a strategy to maximize the following specific provisions: fishpond lease/development primarily to qualified fisherfolk cooperatives/association (Sec. 45-46), development of Code of practice for Aquaculture (Sec. 47), Reversion of all abandoned, undeveloped or underutilized fishponds (Sec. 49), operation of fishponds/fish cages/fish pens (Sec. 51-54).
- Fishery Postharvest Development (FC Art. IV) – as directly involved in postharvest, WMAs may integrate in Resource Management Plans and gender-responsive fishery ordinances the development of the local Post-harvest and Ancillary Industries Plan (application of Sec. 58) and other initiatives to advance postharvest facilities and technologies used by women and to increase their access to credit, training and extension, and other support services (see also Sec. 110, 112, 113 on special purpose fishery Funds).
- Fisheries Research and Development (FC Art. V) – as representatives of municipal fishers, women may claim membership to the Governing Board of the National Fisheries Research Development Institute and to push said agency to integrate gender in its research and development initiatives.
- Deputization of Fish Wardens (FC Sec. 124).

## ***Ensuring women's equitable access and control over natural resources***

The 1998 Fisheries Code aims, as a matter of state policy, to achieve food security and limited access to the country's fishery and aquatic resources and "to provide support to the fishery sector, primarily to the municipal fisherfolk, *including women and youth sectors*, through appropriate technology and research, adequate financial, production, construction of post-harvest facilities, marketing assistance, and other services." (Sec. 2(e), emphasis supplied). The statement of this objective appears to delimit women's participation in postharvest facilities, but nonetheless, guarantees equal benefits of women and youth. This "postharvest framework" is again reiterated in the definition of the functions of the Bureau of Fisheries and Aquatic Resources which is mandated to "coordinate with LGUs and other concerned agencies for the establishment of productivity enhancing and market development programs in fishing communities to enable women to engage in other fisheries/economic activities and contribute significantly to development efforts" (Sec. 65(m)).

The concept of sustainable development as adopted in the Fisheries Code,

c. to ensure the rational and *sustainable development*, management and conservation of the fishery and aquatic resources in Philippine water including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment; xxx (Sec. 2, emphasis supplied)

provides a clearer rationale for women's equal right to the management of the resources. Agenda 21 provides for the objectives of Governments in relation to women's participation in natural resources management (see section on Agenda 21)

(f) To formulate and implement clear governmental policies and national guidelines, strategies and plans for the achievement of equality in all aspects of society, including the promotion of women's literacy, education, training, nutrition and health and *their participation in key decision-making positions and in management of the environment, particularly as it pertains to their access to resources, by facilitating better access to all forms of credit, particularly in the informal sector, taking measures towards ensuring women's access to property rights* as well as agricultural inputs and implements; (Agenda 21, 24.2, emphasis supplied).

WMA seeks to operationalize "equitable access" by defining specific a unit of management to be controlled by women.

***Designated Areas for Women.*** Literature on common pool resources is replete with examples of community-based coastal resources management where some form private property regime is exercised by a community.<sup>16</sup> Community-based coastal resources management practice derives their mandate from the NIPAS Law (1991), the Local Government Code (1992), the IPRA Law (1997), the Fisheries Code (1998). Community-based resource management, as members of the community and as direct and distinct stakeholder in coastal resource management, logically provides for spaces for poor and marginalized sectors – including women – to promote alternative approaches to sustainably utilize and manage the common pool

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<sup>16</sup> Cruz, Heidi P., Existing Property regimes in the Philippines and opportunity for community title to coastal resources in *Lundayan Journal*, Special 1999 issue on Power, Spaces and Titles: Issues in Community-Based Coastal Resources Management. See also *Fishery Co-Management: A Practical Handbook* by Robert S. Pomeroy and Rebecca Rivera-Guieb (Cambridge, MA: International Development Research Centre, 2006), available at <http://www.idrc.ca/openebooks/184-1/>.

resources. It is by the right to participation and the legal value of collective action that the establishment of designated areas for WMA derives its legal mandate. In the same way, by extension, WMA operationalizes the role of fisherfolk organizations/cooperatives in the management of municipal waters (FC Sec. 20).<sup>17</sup>

Assignment of specific areas for women to manage whether exclusively or jointly with men is an elevated form of women's entitlement to participation and benefit from coastal resources management. It can be considered a "temporary special measure" to accelerate gender equality until such time when the entire coastal resources is managed consistent with the goals of Women's Coastal Zone.

The various sub-elements of WMA as designated areas derive their mandates in the following:

- *Women's equal right to engage in contracts.* Where WMA gains legal mandate through legislation or through contractual obligations (eg., through an act of agreement such as a MOA), the Women in Nation Building Act provides that "women of legal age, regardless of civil status, shall have the capacity to act and enter into contracts which shall in every respect be equal to that of men under similar circumstances" (Sec.5)
- *Establishment of fishery refuge, sanctuaries and fishery management areas for specific purposes* (Sec 81). WMA can be considered as a specific purpose in itself – protecting resources that women use, and by women themselves (again, not always exclusively).
- *Use of demarcated areas* (FC Sec. 21-22). The fisherfolk community through duly recognized organizations may be granted use of demarcated fishery areas to engage in fish capture, mariculture and/or fish farming. As members of these fisherfolk organizations (whether a mix of men and women, or independent women's associations), women may then propose to manage specific areas in the coastal zone to protect its resources and benefit from its management.

Again, the framework of equality under the Magna Carta of Women spells out the rights of women in coastal resources management:

- xxx (5) Equal rights to women to the enjoyment, use, and management of land, water, and other natural resources within their communities or ancestral domains;
- (6) Equal access to the use and management of fisheries and aquatic resources, and all the rights and benefits accruing to stakeholders in the fishing industry;
- (7) Equal status shall be given to women and men in the issuance of stewardship or lease agreements and other fishery rights that may be granted for the use and management of coastal and aquatic resources. In the same manner, women's organizations shall be given equal treatment as with other marginalized fishers organizations in the issuance of stewardship or lease agreements or other fishery rights for the use and management of such coastal and aquatic resources which may include providing support to women-engaged coastal resources;
- (8) There shall be no discrimination against women in the deputization of fish wardens;xxx (Chapter V, Sec. 20)

### ***Transforming values and attitudes about women and gender in fisheries.***

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<sup>17</sup> Cruz (1998) notes that such participation is limited to juridical entities which may present an initial barrier to women who are not members of duly registered organizations.

The often-quoted contribution of the Fisheries Code is the use of the term “fisherfolk” instead of “fishermen” as previously used in fisheries laws.

The use of “fisherfolk” is a significant first step in raising awareness about women’s roles and contribution in the sector. However, while the term is inclusive, much remains to be done in the transforming awareness of “fisherfolk” as composed of men and women, into concrete policies, programs and initiatives that either *equally* benefit them – by virtue of gender analysis and not by blind targeting – or *proportionally* allocate resources to women (including designated areas for women).

Other provisions that have the potential to enhance awareness on women and gender in fisheries are the upgrading/professionalization of fisheries education and educational campaign to integrate fisheries education in school curriculum (FC Sec 115-118). Also an important area of enhancing women’s visibility is the deputization of fish wardens (Sec. 124).

***Inclusivity and partnership with men.*** The essence of women’s participation underscores equality of opportunity to participate and a working partnership with the male population. [Quote MCW, BFA]

## **Processes in WMA Establishment**

Although women have been participating in coastal resource management in the past decades, BUDYONG-PLKP, a network of women fishers in the country, was the first to promote WMA as an agenda in fisheries, asserting the rights-based framework of WCZ. BUDYONG’s strategic objective is to promote the establishment of WMA in more areas throughout the country, and bring into the policy agenda at the national and local levels, women’s interest and rights to sustainable fisheries development. The implementation of the piloting of WMA establishment also aims to build women fishers leadership capacities.

The processes undertaken in establishing WMA in three sites include:

- Community Acceptability of resource management and women’s roles in its management
- Consensus-Building of women and organizations on the objective of WMA
- WMA site identification
- WMA Resource Management Plan formulation
- Capacity-building of women in the management of important coastal resources, as well as in advocacy for its adoption and implementation
- Research and gender analysis of the condition of the areas used by women and community, and the issues related to its use and management
- Formation of the management structure and defining women’s roles in the overall management arrangements
- Formulation and advocacy of policies, plans and strategies to manage the WMA (e.g., local ordinance)
- Policy and Plan implementation (e.g., patrolling and monitoring)
- Regular plan assessment and adaptation
- Support of men and community in the realization of WMA



## ***Resources and Management Arrangements in the Piloting of WMA Establishment***

[cut and paste pa ito sa budyong document; will improve in next draft]

- Joint management of men and women of Caringo Fish Sanctuary in Mercedes, Camarines Norte

Members of the Women's Committee of Inter-Island Management Council, a municipal-wide organization, take shifts in monitoring the fish sanctuary during the day. Men patrol during night. An organizational resolution was adopted identifying the site as women-managed area. The Fish Sanctuary has been established by virtue of a municipal ordinance, identifying IIMC as responsible for its management.

- Women-only managed mangrove reserve area in Tomaligues, Calbayog City, Western Samar

A Barangay Resolution was signed to designate the mangrove area as women-managed area. The women's organization, Tomaligues Women's Association, will lead in the management of the site and will be supported by the Katoman Fisherfolk Organization. TOWA members have established their own nursery and led the replanting of 2 hectares of the mangrove forest, the largest remaining in the city.

- Women-only managed multi-resource *Tago Mahaba* in Sitio Mahaba, San Juan, Hinatuan, Surigao del Sur

Tago Mahaba is an islet that is submerged during high tide, consisting of corals, seagrass, some mangroves, and various marine resources. The Women's Committee of the Ladies in Unity with Men Onward to Development (LUMOT-DEV), led the research and advocacy initiatives to manage the resources. A Closed Season for selected seashells has been proposed as a management strategy.

## **Recommendations for Advocacy**

- **Integration of WMA** and other gender-responsive actions in local and national Fisheries Management Plans. WMA is not only limited to the allocation of natural resources for women to manage. It also speaks of the principle that as users of the coastal resources, women should be able to effectively participate in the management of the entire coastal resources, not just in areas allocated as WMA.
  - Review of existing local Fisheries Management Plans. Many of the FMPs may be due for review as they usually have a 5 to 10-year timeframes. This provides an opportunity to include gender-specific actions, including establishment of WMA, in coming up with revised FMPs.
  - Enactment of local ordinances promoting women's participation, recognition of WMA and assignment of areas for WMA.
  - Monitoring of the implementation of the gender component of the CNFIDP.
- **Higher proportion of women's representation** in coastal resources governing bodies such as FARMCs. A minimum of 30% representation is proposed in order to have a stronger voice of women in the councils and other structures. This representation should be made

explicit as distinct from the allocated seat for youth. Representation can merely be for compliance, and so necessitates a comprehensive approach to transforming FARMCs and other coastal resources management structures to be more gender-responsive, including:

- Sustaining partnerships with male/female champions for women's rights in the legislative, executive and consultative bodies such as local chief executives, local council members, and FARMC officers, to boot. This should include strengthening their capacity and supporting their actions to integrate women's concerns in policy-making, planning, programming and budgeting.
  - Continuously raising awareness among women and men on gender and women's concerns in fisheries, beginning with FARMC members, Bantay Dagat,
  - Supporting the leadership development of women fishers through education and training as well as implementation of the WMA that also serves as venue to hone the management capacities of women.
  - Provide for an allocated representation of women in the NFARMC. Under the current legal framework, there are 5 members of the NFARMC from the basic sectors. There is no legal impediment for issuing an Administrative Order to assign one of the five seats for women's representation.
- **Mainstreaming gender in fisheries fiscal governance**
    - Monitoring of the implementation of mandated 5% GAD Budget in all levels of coastal and fisheries management.
    - Monitoring of implementation of CNFIDP and other ODA on fisheries and agriculture
    - Increasing access of women to credit facilities by national government agencies (such as QUEDANCOR), local government units, NGOs and foundations, and private microfinance institutions.
    - Assessment of effectivity of microfinance institutions to improve the economic autonomy of women
  - **Education and Popularization of Women's Rights and WMA.**
    - Integration of gender in trainings for FARMCs and deputization of fish wardens
    - Production and dissemination in local languages the Magna Carta of women and materials on WMA

Beijing Platform for Action

Strategic objective	Actions to be Taken <sup>a</sup>		
	Government	Governments, international organizations and private sector	NGOs & Private Sector
K.1. Involvement of women actively in environmental decision-making at all levels	<p>Ensure equal participation, including indigenous women, in management, design, planning, implementation and evaluation of environmental projects;</p> <p>Facilitate and increase women's access to information and education, including in the areas of science, technology and economics;</p> <p>Encourage effective environmental protection and use of the knowledge, innovations and practices of women of indigenous and local communities;</p> <p>;</p> <p>integrate a gender perspective in the design and implementation of environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas;</p> <p>empower women as producers and consumers so that they can take effective environmental actions, along with men, in their homes, communities and workplaces; and</p> <p>participation of local communities, particularly women, in identification of public service needs, spatial planning and the provision and design of urban infrastructure.</p>	<p>Consider gender impact in the work of the Commission on Sustainable Development and other appropriate UN bodies and in the activities of international financial institutions;</p> <p>Involvement of women and the incorporation of a gender perspective in the design, approval and execution of projects funded under the Global Environment Facility and other appropriate UN organizations;</p> <p>Encourage the design of projects in the areas of concern to the Global Environment Facility that would benefit women and projects managed by women;</p> <p>Establish strategies and mechanisms to increase the proportion of women, particularly at grass-roots levels, involved as decision makers, planners, managers, scientists and technical advisers and as beneficiaries in the design, development and implementation of policies and programmes for natural resource management and environmental protection and conservation;</p> <p>Encourage social, economic, political and scientific institutions to address environmental degradation and the resulting impact on</p>	<p>Assume advocacy of environmental and natural resource management issues of concern to women and provide information to contribute to resource mobilization for environmental protection and conservation;</p> <p>Facilitate the access of women agriculturists, fishers and pastoralists to knowledge, skills, marketing services and environmentally sound technologies to support and strengthen their crucial roles and their expertise in resource management and the conservation of biological diversity.</p>

Strategic objective	Actions to be Taken <sup>a</sup>		
	Government	Governments, international organizations and private sector	NGOs & Private Sector
		women.	
K.2. Integration of gender concerns and perspectives in policies and programmes for sustainable development	<p>Integrate women, including indigenous women, their perspectives and knowledge, on an equal basis with men, in decision-making regarding sustainable resource management and the development of policies and programmes for sustainable development, including in particular those designed to address and prevent environmental degradation of the land;</p> <p>Evaluate policies and programmes in terms of environmental impact and women's equal access to and use of natural resources;</p> <p>Ensure adequate research to assess how and to what extent women are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data collection on specific groups of women, particularly women with low income, indigenous women and women belonging to minorities;</p> <p>Integrate rural women's traditional knowledge and practices of sustainable resource use and management in the development of environmental management and extension programmes;</p> <p>Integrate the results of gender-sensitive research into mainstream policies with a view to developing</p>		<p>Involve women in the communication industries in raising awareness regarding environmental issues, especially on the environmental and health impacts of products, technologies and industry processes;</p> <p>(b) Encourage consumers to use their purchasing power to promote the production of environmentally safe products and encourage investment in environmentally sound and productive agricultural, fisheries, commercial and industrial activities and technologies;</p> <p>(c) Support women's consumer initiatives by promoting the marketing of organic food and recycling facilities, product information and product labelling, including labelling of toxic chemical and pesticide containers with language and symbols that are understood by consumers, regardless of age and level of literacy.</p>

Strategic objective	Actions to be Taken <sup>a</sup>		
	Government	Governments, international organizations and private sector	NGOs & Private Sector
	<p>sustainable human settlements;</p> <p>Promote knowledge of and sponsor research on the role of women, particularly rural and indigenous women, in food gathering and production, soil conservation, irrigation, watershed management, sanitation, coastal zone and marine resource management, integrated pest management, land-use planning, forest conservation and community forestry, fisheries, natural disaster prevention, and new and renewable sources of energy, focusing particularly on indigenous women's knowledge and experience;</p> <p>Develop a strategy for change to eliminate all obstacles to women's full and equal participation in sustainable development and equal access to and control over resources;</p> <p>Promote the education of girls and women of all ages in science, technology, economics and other disciplines relating to the natural environment so that they can make informed choices and offer informed input in determining local economic, scientific and environmental priorities for the management and appropriate use of natural and local resources and ecosystems;</p> <p>Develop programmes to involve female professionals and scientists, as well as</p>		

Strategic objective	Actions to be Taken <sup>a</sup>		
	Government	Governments, international organizations and private sector	NGOs & Private Sector
	<p>technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities;</p> <p>Identify and promote environmentally sound technologies that have been designed, developed and improved in consultation with women and that are appropriate to both women and men;</p> <p>Support the development of women's equal access to housing infrastructure, safe water, and sustainable and affordable energy technologies, such as wind, solar, biomass and other renewable sources, through participatory needs assessments, energy planning and policy formulation at the local and national levels;</p> <p>Ensure that clean water is available and accessible to all by the year 2000 and that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds.</p>		
Strengthen or establish mechanisms at the national,			

<b>Strategic objective</b>	<b>Actions to be Taken<sup>a</sup></b>		
	<b>Government</b>	<b>Governments, international organizations and private sector</b>	<b>NGOs &amp; Private Sector</b>
regional and international levels to assess the impact of development and environmental policies on women			
Notes: a – items/wrods in italics are relevant to WMA.			