

My Presentation



- Introduction: Profile of the Philippines and Challenges
- Legal Framework for Marine Conservation and Public Participation in Decision-making
- Oceana and Role of NGOs in promoting Participatory, Transparent and Accountable Ocean Governance
- Case study: Tañon Strait
- Moving forward for Sustainable Use of Oceans, Seas and Marine Waters



Philippines: Fisheries Profile

- According to the 2013 Philippine
 Fisheries Profile, in 2012 the
 Philippines ranked seventh among
 the top fish producing countries of
 the world, with its total production of
 4.87 million metric tonnes of fish,
 crustaceans, mollusks and aquatic
 plants (including seaweed). Its
 aquaculture production of 0.791
 million metric tonnes ranked it
 eleventh in the world, while it is the
 third largest global producer of
 aquatic plants including seaweed
- Tuna remained as the top export commodity, with over 165,000 MT of all tuna products (fresh, frozen and chilled, preserved and canned), with canned tuna constituting the bulk of tuna products.
- Seaweeds came second in export value, with a 64% increase in value from 2012 to 2013. Shrimp and prawn ranked third, with a total contribution of US\$ 67.5 million to export value, the main markets being France, Japan and the U.S. Other major fishery exports included crabs and crab fats, octopus, lapu-lapu, cuttlefish and squid, orbanental fish, round scad and sea cucumber.
- Among the main destination countries for Philippine seafood exports are the U.S. (25.3%), Japan (13.4%), Germany (7.2%), France (6.7%), the UK (6%), Hong Kong, Spain, Canada, Taiwan and China.

Source: Seafish,

http://www.seafish.org/media/publications/PhilippinesEthicsProfile 201509.pdf

FAO Global Capture Production database updated to 2013 Summary information

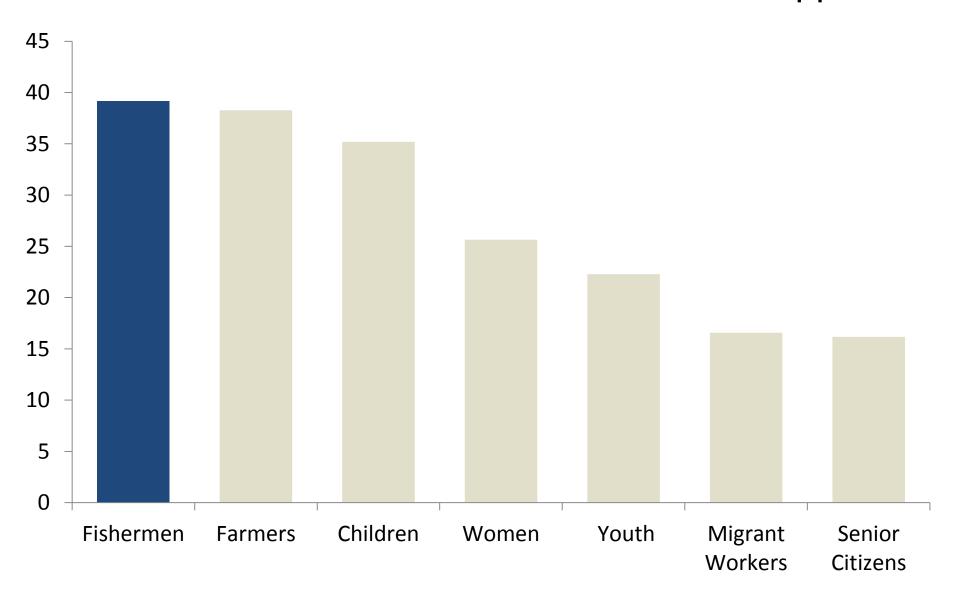
Fisheries and Aquaculture Department

Table 2. Marine capture: 25 major producer countries

Country	2012	2013	Variation 2012–13
	tonnes	tonnes	percentage
China	13 869 604	13 967 764	0.7
Peru	4 815 610	5 826 932	21.0
Indonesia	5 420 247	5 688 538	4.9
United States of America	5 107 559	5 204 493	1.9
Russian Federation	4 068 850	4 083 818	0.4
Japan	3 618 006	3 625 592	0.2
India	3 408 960	3 418 821	0.3
Viet Nam	2 510 900	2 608 400	3.9
Myanmar	2 332 790	2 483 870	6.5
Philippines	2 127 170	2 130 747	0.2
Norway	2 149 802	2 073 835	-3.5
Chile	2 572 876	1 770 945	-31.2
Thailand	1 500 200	1 630 047	8.7
Republic of Korea	1 659 901	1 590 695	-4.2
Mexico	1 467 790	1 508 116	2.7
Malaysia	1 472 239	1 482 899	0.7
Iceland	1 358 467	1 366 486	0.6
Morocco	1 148 489	1 238 277	7.8
Spain	925 583	1 028 173	11.1
Taiwan Province of China	908 023	925 171	1.9
Argentina	723 737	857 800	18.5
Canada	789 494	823 640	4.3
Denmark	502 632	668 339	33.0
United Kingdom	629 374	630 077	0.1
Bangladesh	578 620	588 988	1.8
Total 25 major countries	65 666 923	67 222 463	2.4
Total other countries	14 021 700	13 662 616	-2.6
World total	79 688 623	80 885 079	1.5
Share 25 major countries	82.4%	83.1%	

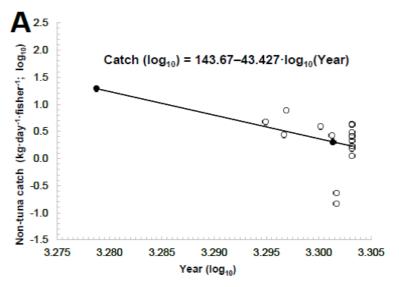


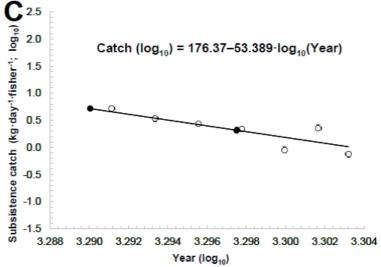
Fisherfolk are Poorest of the Poor in the Philippines



Source: National Statistics Coordination Board: Poverty Incidence Statistics 2012

Philippines fisheries are in crisis: Declining fish catches a looming food security issue







Challenges to Philippines Fisheries

- Illegal commercial fishing
- Weak enforcement of laws
- Destructive fishing and habitat destruction
- Pollution
- Unregulated coastal developments
- Climate change
- Patronage politics



Rule of law and Access to Justice: assessing the quality of democracy in the Philippines*

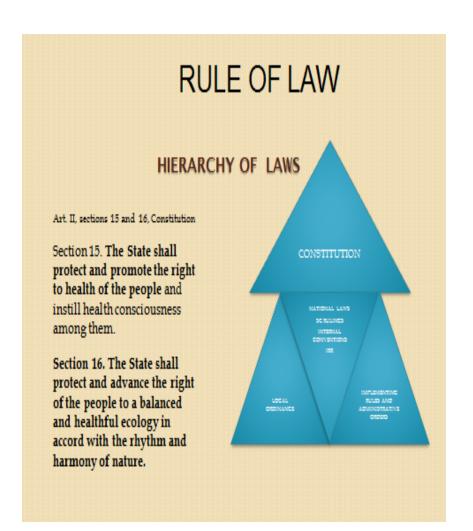
CHALLENGES

- Persistence of large-scale graft and corruption
- Growing impunity of violation of human rights
- Abuse of governmental powers
- Failure of accountability mechanisms to consistently bring wrongdoers to justice

*Democracy Audit Team:Dr. Edna Co Arthur Neame, Atty. Marlon Manuel Atty. Nepomuceno Malaluan

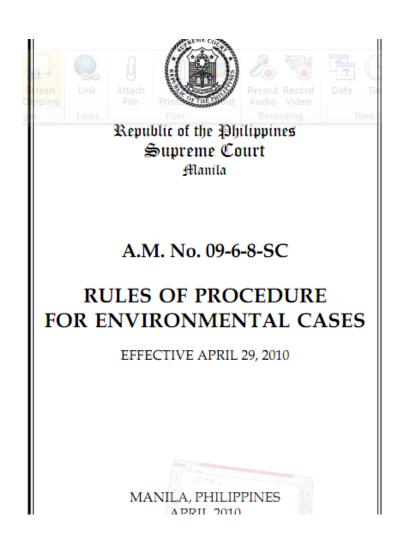


Legal Framework for Environmental Protection and Public Participation



- The 1987 Constitution likewise guarantees the procedural right to access information, equality before the law, and public participation in decision-making.
- Congress has enacted plethora of environmental laws

One-Of-A-Kind



- Liberalized Standing to Sue
 Oposa, Resident Marine
 Mammals case
- Innovative Remedies for Environmental Protection
- Anti-SLAPP proviso
- No filing fee for Citizen Suit
- Environmental Cases, top priority
- Only the Supreme Court can stop enforcement of environmental laws

REVOLUTIONARY MANILA BAY RULING

G.R. Nos. 171947-48, December 18, 2008 SUPR COUR **ENVIRONMENTAL LAWS** ENFORMENT OF THE LAWS **CONGRESS SUPREME EXECUTIVE COURT** RA 9003 **MANILA BAY** RA 8749 CONTINUING **INTEGRATE MANDAMUS** SUSTAINABILITY And 100 IN THE more laws **CURRICULUM**

'Each citizen is a steward of Nature"

Republic of the Philippines SUPREME COURT Baguio City

EN BANC

G.R. No. 180771

April 21, 2015

RESIDENT MARINE MAMMALS OF THE PROTECTED SEASCAPE TAÑON STRAIT, e.g., TOOTHED WHALES, DOLPHINS, PORPOISES, AND OTHER CETACEAN SPECIES, Joined in and Represented herein by Human Beings Gloria Estenzo Ramos and Rose-Liza Eisma-Osorio, In Their Capacity as Legal Guardians of the Lesser Life-Forms and as Responsible Stewards of God's Creations, Petitioners.

VS.

SECRETARY ANGELO REYES, in his capacity as Secretary of the Department of Energy (DOE), SECRETARY JOSE L. ATIENZA, in his capacity as Secretary of the Department of Environment and Natural Resources (DENR), LEONARDO R. SIBBALUCA, DENR Regional Director-Region VII and in his capacity as Chairperson of the Tañon Strait Protected Seascape Management Board, Bureau of Fisheries and Aquatic Resources (BFAR), DIRECTOR MALCOLM J. SARMIENTO, JR., BFAR Regional Director for Region VII ANDRES M. BOJOS, JAPAN PETROLEUM EXPLORATION CO., LTD. (JAPEX), as represented by its Philippine Agent, SUPPLY OILFIELD SERVICES, INC. Respondents.

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G.R. No. 181527

CENTRAL VISAYAS FISHERFOLK DEVELOPMENT CENTER (FIDEC), CERILO D. ENGARCIAL, RAMON YANONG, FRANCISCO LABID, in their personal capacity and as representatives of the SUBSISTENCE FISHERFOLKS OF THE MUNICIPALITIES OF ALOGUINSAN AND PINAMUNGAJAN, CEBU, AND THEIR FAMILIES, AND THE PRESENT AND FUTURE GENERATIONS OF FILIPINOS WHOSE RIGHTS ARE SIMILARLY AFFECTED, Petitioners.

٧S

SECRETARY ANGELO REYES, in his capacity as Secretary of the Department of Energy (DOE), JOSE L. ATIENZA, in his capacity as Secretary of the Department of Environment and Natural Resources (DENR), LEONARDO R. SIBBALUCA, in his capacity as DENR Regional Director-Region VII and as Chairperson of the Tañon Strait Protected Seascape Management Board, ALAN ARRANGUEZ, in his capacity as Director - Environmental Management Bureau-Region VII, DOE Regional Director for Region VIII¹ ANTONIO LABIOS, JAPAN PETROLEUM EXPLORATION CO., LTD. (JAPEX), as represented by its Philippine Agent, SUPPLY OILFIELD SERVICES, INC., Respondents.

DECISION

LEONARDO-DE CASTRO, J.:

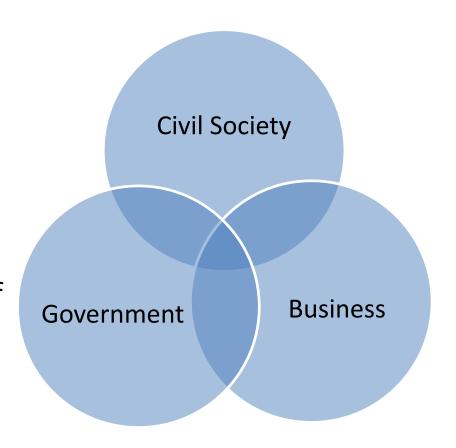
Before Us are two consolidated Petitions filed under Rule 65 of the 1997 Rules of Court, concerning Service Contract No. 46 (SC-46), which allowed the exploration, development, and exploitation of petroleum resources within Tañon Strait, a narrow passage of water situated between the islands of Negros and Cebu.²

The Petition docketed as G.R. No. 180771 is an original Petition for Certiorari, Mandamus, and Injunction, which seeks to enjoin respondents from implementing SC-46 and to have it nullified for willful and gross violation of the 1987 Constitution and certain international and municipal laws.³

Likewise, the Petition docketed as G.R. No. 181527 is an original Petition for Certiorari, Prohibition, and Mandamus, which seeks to nullify the Environmental Compliance Certificate (ECC) issued by the Environmental Management Bureau (EMB) of the Department of Environment and Natural Resources (DENR), Region VII in connection with SC-46; to prohibit respondents from implementing SC-46; and to compel public respondents to provide petitioners access to the pertinent documents involving the Tañon Strait Oil Exploration Project.

"...the need to give the Resident Marine Mammals legal standing has been eliminated by our Rules, which allow any Filipino citizen, as a steward of nature, to bring a suit to enforce our environmental laws. It is worth noting here that the Stewards are joined as real parties in the Petition and not just in representation of the named cetacean species. The Stewards, Ramos and Eisma-Osorio, having shown in their petition that there may be possible violations of laws concerning the habitat of the Resident Marine Mammals, are therefore declared to possess the legal standing to file this petition..."-Resident Marine Mammals of Tanon Strait v. Reyes, GR No. 180771, April 21, 2015

- Right of the people and NGOs, PO's to effective and reasonable participation at all levels of POLITICAL, SOCIAL and ECONOMIC DECISION-MAKING PROCESS (1987 Constitution)
- More engaged citizens in governance who are aware of their RIGHTS and RESPONSIBILITES



POLITICAL JUSTICE

1987 Constitution

Institutionalization of Local Development Councils and Special Bodies – Local Government Code

Overarching Oceana goals in the Philippines: Rebuild fisheries by overhauling management, improving enforcement

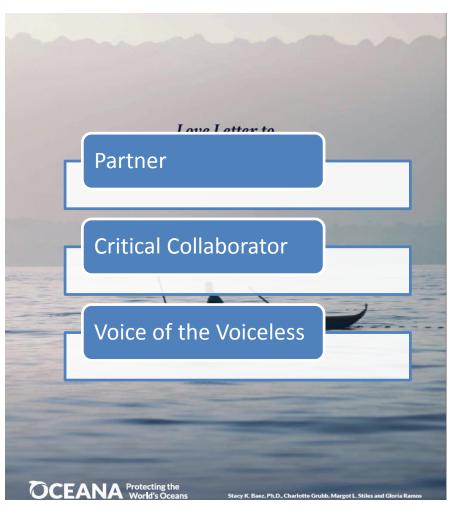








Role of NGOs in Ocean Governance in the Philippines



Partnership with Government in crafting the law and Implementing Rules Against Illegal, Unreported and Unregistered (IUU) Fishing



Strong Partnership for Protection of Marine Wildlife

Executive Order for Sharks and Ray Sanctuary



Benham Rise Expedition



Hawkfish (Cirhitichthys falco) @Oceana ham Rise. The United Nations' Commission on the Limits of the





Critical Collaboration in Enforcement, Monitoring and Compliance of Fisheries Laws

Stronger law enforcement key to boosting fish production, says fisheries bureau

by Philippine News Agency October 11, 2016

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MANILA — The Bureau of Fisheries and Aquatic Resources (BFAR) is pushing for stronger enforcement measures to achieve sustainable fisheries and seafood self-sufficiency in the country.

"We have to maintain and protect our traditional fishing grounds. If we properly enforce our fisheries law, we will have enough fish. We need action, and we need to do it now," the bureau's national director, Eduardo Gongona, told reporters in a recent press conference in Quezon City.



Gongona pointed to the lack of enforcement as one of the reasons why illegal, unreported, and unregulated (IUU) fishing prevails, worsening the damage to the Philippines' rich but vastly threatened marine resources.

Lawyer Gloria Estenzo Ramos, vice president of Oceana Philippines estimated that 56 percent of the Filipinos' animal protein comes from fish, and 93 percent of fish caught in the country are consumed domestically.

Voice for the Voiceless: Oceana ensures Implementing Regulations require vessel monitoring for ALL commercial vessels







 Public Participation and Access to Justice and Information: Tañon Strait case study





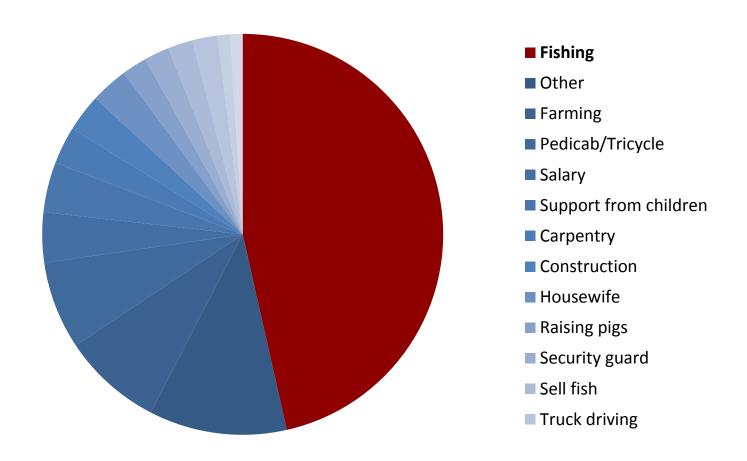
May 2015: Baseline Survey of Fishing and Food Security in Tañon Strait







Fishing is the most important livelihood in Tañon Strait



Primary livelihood source for baseline survey respondents

Fishing Is Getting Harder in Tañon Strait



- "We fish to receive grace (blessings from the sea), and to be able to buy rice" (shows how many fisherfolk fish to buy the staple food, either rice or maize" (Calatrava household survey)
- "Less fish caught due to the presence of commercial fishing who use sonar/purse seines" (Samboan household survey)
- "There is a decrease in fishing unlike before, we are able to sell fish only three times per month" (Guihulngan household survey

"This graph, which compares small-scale with large-scale fisheries on a global basis, highlights the crucial role of small-scale fisheries, so far neglected. Indeed, we would achieve most stated aims of fisheries management plans (particularly their social aims) by dedicated access arrangement for small-scale fisheries. But we must leave enough fish for the rest of the ecosystem, and to meet the challenges of global warming." -Dr. Daniel Pauly



Fisheries benefits

Large-scale

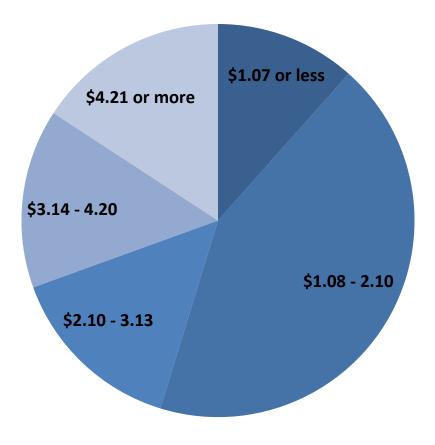
Small-scale

Annual landings for human consumption	about 60 million tonnes	about 27 million tonnes
Annual catch discarded at sea	10 million tonnes	Almost none
Annual catch for industrial reduction to fishmeal and oil, etc.	26 million tonnes	Almost none
Fuel used per tonne of fish for human consumption	5-20 tonnes	2-5 tonnes
Number of fishers employed	about 1/2 million	about 12 million
Government subsidies (billions of USD)	\$\$\$\$\$ 25-30 billion USD	\$ 5-7 billion USD



Source: Dr. Daniel Pauly

Poverty is severe in Tañon Strait



Avg household income/day (USD)

Goals

Get DENR to establish Tañon Strait Management Board: DONE

February 2015: Convening of Tañon Strait Management Board Ends "Paper Park" Status



 Ensure the Tañon Strait general management plan prohibits commercial fishing and includes an enforcement plan - DONE



Jumpstarting enforcement through training and coastal law enforcement alliance









Providing Enforcers with Evidence of the Continuing Plunder of our oceans

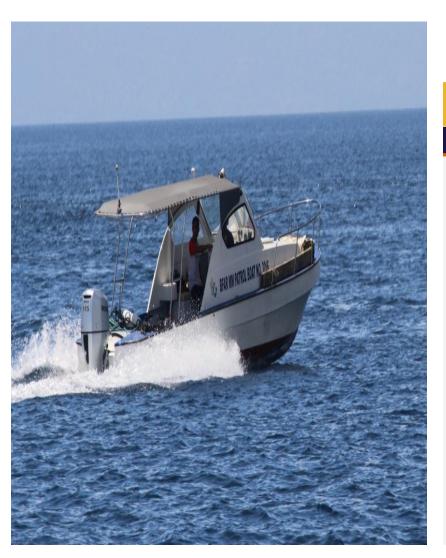
September 2015: First Expedition in Tañon Strait



Widespread Illegal Fishing Captured on Camera



The First Enforcement Patrols Happened in 2015, Thanks To Pressure from Oceana and CSO network



And, continues in the present



BAN DESTRUCTIVE FISHING GEAR

Industry challenges government in court

REPUBLIC OF THE PHILIPPINES

REGIONAL TRIAL COURT

7th Judicial Region Branch 61 MARCELO B. FERNAN PALACE OF JUSTICE Dakit, Bogo City, Cebu

NORTHERN CEBU DANISH SEINE OPERATORS AND FISHERFOLKS ASSOCIATION, INC., Represented by: PABLITO OLIVAR and NILO SORIBA, President and Vice-President respectively,

Plaintiffs

CIVIL CASE NO. P

-versus-

SEC. PROCESO J. ALCALA, et.al.

Defendants

Filed by the plain ited April 21, 2015 DISMISSING the instant 18, 2015 of the Decision Supplemental Complaint, etc. dated April 1, Complaint dated Mar 2014 and June 20,

filed their COMMENT dated September 9, 2015

the view that the subject motion does not raise any new matter. arguments already considered and passed upon by this Court. The Court finds that Fisheries Administration Order No. 246 is a valid law, enacted in pursuance to the mandate given to the respondents by the Fisheries Code.

WHEREFORE, premises considered, the instant motion is DENIED.

SO ORDERED. Bogo City, Cebu January 08, 2016.

NTÓNIO D. MARIGOMEN

ADM/rte

and money on the lic understand

THE court upheld the ban imposed by the fisheries bureau against operators of Danish Seine Fishing, locally known as hulbot-

The court finds no sufficient basis the declaratory relief with prelimimentation of Adminis- Cebu City. trative Order 246 of the Fisherfolks Association.

abitats as fishery re-

of the Philippines.

The plaintiff, engaged in commercial fishing using hulbot-hulbot, alleged livelihood of 2,920 fisherfolks who are supplying 70 nary restraining injunc- percent of the fish supply tion to stop the imple- of the Pasil Fish Market in

The fisherfolks asked Bureau of Fisheries and Agriculture Secretary Pro- Seine is an ingenious de-Aquatic Resources ceso Alcala to recall or de-vice that humans created (BFAR) filed by the fer the implementation of to take food from the ma-Northern Cebu Danish the FAO 246 prior to the rine ecosystem - but it Seine Operators and April 15, 2014 deadline. They asked that a thor-AO 246 is a nationwide ough study and consultaoan of hulbot-hulbot and tion among stakeholders harmony of nature and vali-bali fishing effective including them will be ultimately, it cuts October 15, 2013 as these conducted prior to its im-through the web of life," ontributed to the de- plementation but to no truction of the marine avail thus a case was filed.

Named respondents in purces, a violation of RA the case were Alcala, BFAR tioner failed to prove enti-

8550 or the Fisheries Code Dir. Asis Perez, NFARMC Chairman Salvado Salacup, BFAR and the Office of the Solicitor General.

However in April 21, that the implementation Judge Antonio of FAO 246 will affect the Marigomen of Branch 61 of RTC Bogo City dismissed the case saying that the FAO is necessary to properly implement the Fisheries Code.

takes too much and destrovs marine habitats: it disrupts the rhythm and Marigomen said in his and disrupts the sea bed decision.

Marigomen said peti-

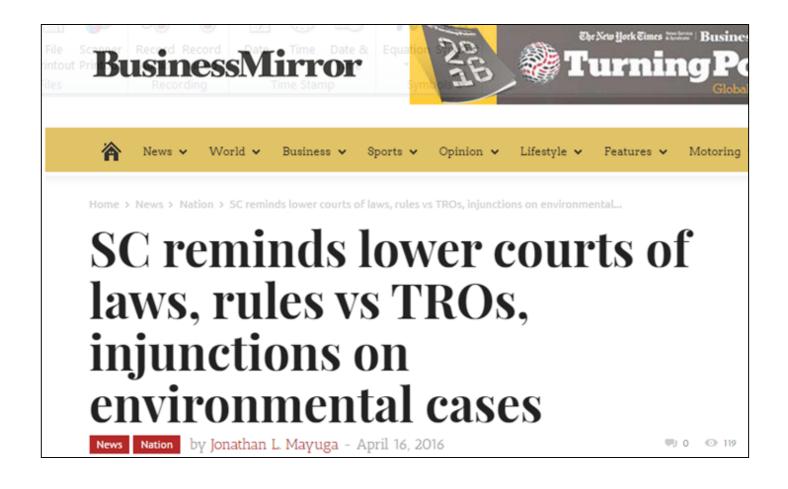
tlement to a writ of Dre liminary injunction and the amount of damage would sustain if FAO 24 will be implemented

BFAR Regional Direct tor Andres Bojos said the recent decision is a "tri umph both for the marine environment and the municipal fisherfolks" as the illegal fishing activity will "Modified Danish leave them with too little fish to catch.

Bojos said that since the implementation of FAO 246, they have not caught anyone engaged in Danish Seine fishing in Cebu.

Danish Seine uses an active fishing gear consisting of a net with weights that destroy the coral reef when it is being dragged to collect the fish. /SENIO REPORTER MARIAN Z. CODILL

BAN DESTRUCTIVE FISHING GEAR



INSTITUTIONALIZE VESSEL MONITORING TO CONTROL COMMERCIAL FISHING VESSELS







Oceana stops dumping and filling proposal in Tañon Strait

Osmeña 'abandons' Toledo reclamation project

Victor Anthony V. Silva 1:54 AM | Wednesday, June 17th, 2015



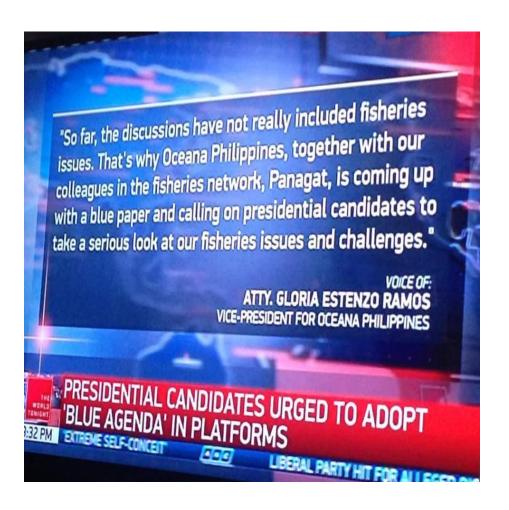
STOPPING DUMPING AND FILLING PROJECTS NATIONWIDE

Building Constituents and Identifying Key Allies:

Senate hearing on reclamation presided by Chair Senator Villar



Mainstreaming fisheries issues during the presidential campaign





Oceana pushing for Sustainable Fisheries Management by the new Administration Fisheries Policy Brief

- Press Actions on Recommendations in the Brief
- Target specific actions for the First 100 Days with Fisheries CSO network
- Build more and strengthen healthy ocean constituents from public and private sectors



P.O. Box 255, UP Post Office, University of the Philippines Camp Diliman, Quezon City 1101

Sustainable Fisheries Management and Marine Conservation Oceana Philippines Policy Brief

As a sea nation, the Philippines harbors a wealth of marine resources that provides food and livelihood to millions of Filipinos. It ranks 14th in the world as a source of seafood caught in the wild.

Despite recent improvements in fisheries law enforcement, however, illegal fishing remains a huge problem. Commercial fishers continue to enter and illegally fish in municipal waters in a lop-sided competition with the artisanal fisherfolk for the declining fish stock, while foreign fleets poach high-value species. Destructive fishing – such as bottom trawl fishing, blast fishing and the capture of young fish before they can grow into adulthood – is a significant threat to the health of fish populations and the livelihood of fishing communities. The government itself estimates that 75% of our pricinal fishing enjuryles are now.



s are now considered overfished. Artisanal

Reef fish have declined by up to 90 percent, leading to major losses in coastal economies. Recent data also show that the Philippines' exclusive economic zone has fish stocks depleted by as much as 90%, sea grass beds destroyed by as much as 50%, and coral reefs degraded by as much as 96%, all in the past 50 years. Moreover, the destruction of large areas of important ocean habitats such as coral reefs can result in lower incomes from fishing, reduced food production, higher disaster risk, and extreme poverty. The urgency of the situation is compounded by the fact that the Philippines is one of the most vulnerable countries to the deleterious effects of climate change such as sea level rise, storm surges and displacement of coastal residents.

These adverse impacts can be minimized through marine conservation, habitat protection and sustainable fisheries and adoption of the ecosystem-based approach enacted into national and local policies that are fully implemented. But, weak enforcement of our fisheries and environmental laws is another big challenge to surmount.

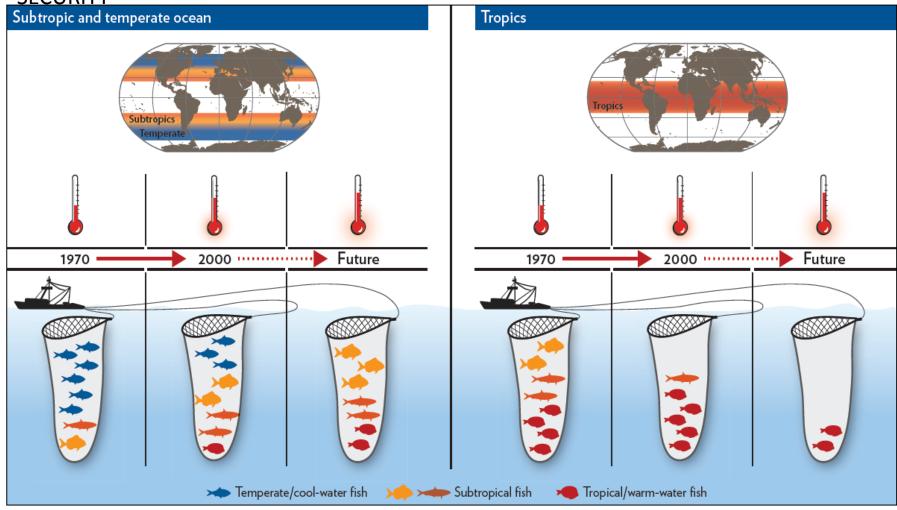
In this archipelago of more than 7,500 islands, the people's way of life is closely connected to the sea. The country's highly productive fisheries, if managed sustainably, can feed the growing Philippine population and achieve economic growth and security. As such, we must enact and fully implement laws and policies to restore the abundance of our oceans.

Sustainable Fisheries as Key to Food Security

Healthy aquatic ecosystems contribute greatly to food security. Worldwide, fish provides essential nutrition for 3 billion people and contribute a significant amount of animal protein to the diets of the

CLIMATE CHANGE EXACERBATES EFFECTS OF ILLEGAL FISHING AND HABITAT DESTRUCTION: LESS FISH, WITH TREMENDOUS IMPACTS ON HUMAN AND FOOD

SECURITY





OCEANA PLAYING CRUCIAL ROLE IN FISHERIES MANAGEMENT

EMPOWERMENT

HOPE







Goal 14: Conserve and sustainably use the oceans, seas and marir resources



Moving Forward for Sustainable Use of Oceans, Seas and Marine Waters

- Civil society
 organizations play a
 pivotal role in
 pushing for fisheries
 management reforms
 and monitoring
 compliance of laws
 by popularizing the
 rights to information
 and participation in
 decision-making and
 access to justice
- Mainstream Principle 10 at the global, regional, national and sub-national level
- A global treaty is a MUST!

"...the Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters recognizes not only the right of the public to receive information upon request (article 4), but also the duty of the government to collect and disseminate information (article 5).194 This Convention has been ratified by thirty-nine countries of Europe as well as the European Community.

U.N. Secretary-General Kofi Annan has characterized its importance:

"Although regional in scope, the significance of the Aarhus Convention is global. It is by far the most impressive elaboration of principle 10 of the Rio Declaration, which stresses the need for citizens' participation in environmental issues and for access to information on the environment held by public authorities." -Prof. Svitlana . Kravchencko:

THANK YOU AND MABUHAY!!



Prof. Svitlana Kravchenko

"We must celebrate her legacy as an inspiration for younger lawyers, to walk further on the pathways she strengthened, and especially do so in Ukraine and the countries where Aarhus is a beacon. After our tears, after our hugs and sympathy for John and Maria, and in the fullness of time may we memorialize her life's work as she would have wished, by continuing her work in myriad and effective channels, flowing like the energy in ecological systems, for all of the Earth's beings." Prof. Nicholas Robinson, Pace Law School, USA.