

Warding the Sea

A study into the various tenure instruments for small-scale fishing communities in the Philippines shows how rights, responsibilities and remedies are enforced and mediated by the State

Tenure rights in Philippines fisheries provide the legal framework for sustainable coastal and marine resource use and management. Recognizing tenure instruments allows for the allocation of specific coastal resources like fishing areas to individuals or communities, preventing overfishing and ensuring sustainable resource use. A deeper look into the various tenure rights of

- 4) Marine protected areas; and
- 5) Special permits, licences and grants.

The researchers also studied how these instruments of tenure are reinforced by the local government code, which emphasizes local autonomy, as well as how special laws and policies are applicable to coastal areas. The study defined the critical responsibilities of the fisherfolk to enjoy the cash and non-cash benefits of these tenure instruments, foremost of which is the registration of both fisherfolk and their craft/gear.

Among the support mechanisms that further strengthen tenure instruments are local policy bodies such as the Fisheries and Aquatic Resources Management Councils (FARMCs), Fisheries Management Areas (FMAs), community-based coastal resources management (CBCRM) programmes, and civil society projects along the coasts. The key challenges to sustaining coastal tenure among small-scale fishers are the limited technical and financial resources of fisher groups at the forefront of implementing tenure instruments on the ground, and the ageing population of fishers. The study suggests that fishers still need capacity building in organizational and institutional skills.

Opportunities in further elevating the discourse on fisheries tenure were also analysed in the study, which recommend enhancing collaboration among government agencies, non-governmental organizations (NGOs) and other stakeholders in handling development programmes and projects that strengthen existing tenure instruments at the local levels. The various tenure instruments that support and promote tenure in fisheries of the fisherfolk are formally

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small-scale fishing communities within the municipal waters and coastal resources in two coastal municipalities in the Philippines was conducted by the Tambuyog Development Center and the International Collective in Support of Fishworkers (ICSF).

The study examined the various instruments of tenure available for small-scale fishers and the benefits derived from their access and control over municipal waters and coastal resources. Covering two sites in the Philippines, it investigated how the rights, responsibilities and remedies of the municipal fisherfolk are enforced and mediated by the State through the local government units (LGUs), provide them preferential access and control over the 15-km municipal waters. The study provides a contextual analysis of how five key instruments tenure are implemented at the local levels. They are:

- 1) Fisherfolk registration;
- 2) Municipal waters zoning;
- 3) Community-based law enforcement;

*This article is by **Dinna Lacsamana-Umengan** (dinnaumengan@yahoo.com), Executive Director, Tambuyog Development Center, Philippines, **Eusebio Jacinto** (erjac767@gmail.com), and **Mario Maderazo** (memaderazo2012@gmail.com), Member of the Philippine Bar, Philippines*

DINNA LACSAMANA-UMENGAN



Fishers of Alabat Island preparing the fishing gear, Lamon Bay, The Philippines. The individual as well as community rights, responsibilities and remedies available to fisherfolk in terms of fisheries access and tenure need to be clearly defined and established

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codified in the municipal Fisheries Code.

I. Recognition depends on registration

Fisherfolk registration is the operative mechanism for individual tenure of fisherfolk within municipal waters. The preferential treatment accorded is the formal recognition of the tenure of municipal fisherfolk in marine and inland capture fisheries provided in the constitution and the Fisheries Code. However, the Fisheries Code specifically requires individual registration of fisherfolk for them to be able to utilize all fishery-related activities within municipal waters. This is reiterated in the local ordinances in the two case study sites, namely, in the municipalities of Calatagan and Agdangan.

Such registration functions as a basis for both national and local governments in providing social services like health and livelihood support, especially in times of emergencies and calamities. Thus, the fisherfolk registration formally

secures the tenure of municipal fisherfolk in municipal waters while also establishing their legal identity as rights holders entitled to protection and services from the State. It effectively addresses the invisibility of the sector in development programming by the State.

2. The link with conservation

Tenure instruments granted by the LGUs to fisherfolk associations or co-operatives in capture fisheries promote the conservation of fishery and aquatic resources. This is clearly demonstrated by the outcome of the management of marine protected areas (MPAs) by fisherfolk co-operatives or associations. Through an ordinance, a fisherfolk organization that manages a specific ecosystem component, for example, a coral reef or a mangrove forest, is bound by the rules on access and use rights over specific zones within the MPA. It is given specific responsibilities related to the protection, conservation and monitoring of the particular

marine or fishery resource. In turn, the fisherfolk secure their tenure in a specific area within the municipal waters and are given decision-making powers in the allocation of benefits derived from their management efforts. The recognition bestowed by the national government to the LGU and fisherfolk organizations of Calatagan in managing their MPAs, for instance, is proof of the effective management by the fisherfolk organizations concerned.

3. Securing economic benefits

Scaling up the economic benefits derived from the tenure instruments for the use of fishery and aquatic resources requires support from the State and even non-State actors like local businesses or enterprises. The use and access rights granted by the various tenure instruments to municipal fisherfolk depend on how the rules of access are enforced and their rights protected from other users such as commercial fishers and those engaged in various forms of illegal, unreported and unregulated (IUU) fishing.

Likewise, the conversion of such entitlements to concrete monetary and even non-monetary benefits for the municipal fisherfolk requires support from the LGU, such as capital that the LGU can provide only on a limited scale. Most of the support given to them is in terms of training in capacity-building and helping them organize into formal associations.

Tenure instruments alone, though, are not enough. Without production or post-harvest facilities to add value to the catch or improve facilities—like in the case of eco-tourism activities in zones allowed within a protected area—fisherfolk will struggle to enhance and sustain the streams of economic benefits derived from such tenure instruments.

4. Organizational capacity

An organized community is a key element to capture the benefits from tenure in fisheries. Both Calatagan and Agdangan share

the historical involvement of civil society organizations in organizing the coastal communities and in engaging with the local government. Members of the organization managing the MPAs, for instance, are former members or leaders of peoples' organizations that were supported by NGOs in terms of capacity-building and organizational management, among other activities, or even academic institutions that provide extension work in coastal communities. Their organizational skills or experiences in advocacy in community issues enable them to carry on the responsibilities as managers or grantees of tenure instruments.

5. Law enforcement

The institution of the Bantay-dagat (BD or sea warden) has assumed an important role in the enforcement of the tenure of fisherfolk within municipal waters. Coastal and fishery law enforcement is the primary responsibility of the local police under the supervision of the mayor or the local chief executive. However, the BD, through technical, legal and financial support from their respective Municipal Agriculture Offices under the LGUs and even from NGOs, have assumed a greater role in fishery law enforcement. Membership in the BD, usually voluntary, draws from the coastal communities or barangays. Their rootedness in the dynamics of the community appear to be an advantage or an incentive for an involved participation in ensuring compliance of the members with the community rules on access to fishery and marine resources. Among the challenges faced by the BD are ageing membership and limited financial and technical support.

6. Local policy influences

As a consultative body on any fishery-related project or local policy, the FARMC has influenced the allocation of resources and rights within municipal waters. The adoption of local ordinances

granting effective tenure to municipal fisherfolk is fleshed out and tailored to benefit the sector. The FARMC is adequately supported by the LGUs in Calatagan and Agdangan. But, as in the case of the BD, the sustainability of the organization and the challenge of succession by younger leaders remain an issue.

7. Secure tenure and local autonomy

The local autonomy granted to the LGUs provided policy space for the adoption of local ordinances that cater to the grant of secured tenure for municipal fisherfolk. The jurisdiction over municipal waters to the LGU matched with the State policy on preferential treatment of municipal fisherfolk, who are guaranteed a secured tenure. Under the framework of delegated police powers, the LGUs in Calatagan and Agdangan can adopt ordinances granting tenure over specific fishery and marine resources. Part and parcel of such power is the authority to raise revenues, which is the basis for the collection of environment user fees or the imposition of fines as a penalty for violation of the ordinance.

Specific policy recommendations for Calatagan

1. As indicated in the 10-year fishery development plan of the LGU of Calatagan, the registration and renewal procedure should be prioritized in terms of improving the reach and ease of processing the registration of fisherfolk, and their gear and fishing vessels.
2. Other sectors, such as resort owners and small businesses that derive benefits from the management and protection of MPAs in providing support to volunteer Bantay-Dagat and members of the FARMC, should be brought under appropriate regulations of the LGU to specify how such support could be tapped and distributed equitably to the target members and officers of the sea warden and the FARMC.
3. Considering that the law itself is the basis for various tenure rights,

its effective implementation is linked to the sustainability of the tenure of municipal fisherfolk over the fishery resources. Compliance with the law is also a function of effective communication with the public.

Tenure instruments provide fisherfolk the State's guarantee to access fisheries resources. However, to be able to derive full benefits from such access another set of skills and capacities is needed. Tenure then provides just the first—but crucial—step for small-scale fishers to benefit from fisheries resources. A whole range of programme support should be provided to fishers to build up their capacity to manage not only coastal resources but also institutions and organizations.

Collaborative partnerships among government agencies, NGOs and other coastal stakeholders need to look at developing programmes that strengthen existing tenure instruments at the local levels. Foremost among them is institutionalizing programme support for local policy formulation and enforcement bodies such as the BD and the FARMC in the form of technical and financial enhancement that strengthens their operations.

Scaling up the discourse on fisheries tenure needs to further investigate the economic viability of tenure instruments. The individual as well as community rights, responsibilities and remedies available to fisherfolk in terms of fisheries access and tenure need to be clearly defined and established. Engaging individuals and groups in enforcing tenure rights need to highlight clear benefits to ensure sustainability. Thus, the policy discourse on fisheries tenure should also look at the economic side particularly the benefits of tenure arrangements to fishers as well as the cost of their enforcement. Moreover, the discourse must factor in the role of youth in ensuring that the hard-earned recognition of small-scale fishers' tenure over fisheries resources is sustained in the future. 

For more

Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Philippines

<https://www.icsf.net/wp-content/uploads/2007/09/930.ICSF118.pdf>

Asserting Rights, Defining Responsibilities: Perspectives from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia - Workshop and Symposium proceedings, 3-8 May 2007, Siem Reap, Cambodia

<https://www.icsf.net/wp-content/uploads/2007/09/930.ICSF116.pdf>

Social Development and Sustainable Fisheries: Philippines

https://www.icsf.net/wp-content/uploads/2023/06/930.ICSF241_Social_Development_Philippines.pdf

MEL4SSF Piloting Philippines: Monitoring, Evaluation and Learning Framework in support of the implementation of the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication

https://www.icsf.net/wp-content/uploads/2023/04/930.ICSF237_Philippines_Pilot_study.pdf

A Roadmap for Recovery

https://www.icsf.net/wp-content/uploads/2021/10/4526_art_Sam_85_art21_Philippines_DinnaL.Umengan.pdf

Fishy Tourism

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