Managed Access and Co-Management in the Philippines

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In the Philippines, the law classifies municipal and commercial fishers based on the size of a fishing vessel, fishing gear used, purpose of fishing, and fishing location.[1] Municipal fishers fish closer to shore and can use their catch for various purposes, including sale and subsistence. Meanwhile, commercial fishers fish further from shore and can only use their catch for a commercial purpose, such as trade or sale. Fishers—both municipal and commercial—play an important role in co-management of the fisheries, meaning that they participate in the management of fishing areas together with the government to ensure their sustainability. Fisheries laws in Philippines mandate public participation, use of scientific information, and application of the precautionary approach and ecosystem approach to fisheries management.[2]

The Philippines has twelve Fisheries Management Areas (FMAs), in which fishers can fish. These FMAs include municipal waters, which extend up to 15 km from the shoreline of a municipality or a city.[3] Generally, only registered municipal fishers and their cooperatives can fish within municipal waters, with preference given for fishers to fish in municipal waters of the municipality or city where they live.[4] However, local governments can also authorize permits for small and medium commercial fishing vessels to operate from 10.1 km to 15 km from shoreline within municipal waters.[5] One of the conditions for such authorization is that the decision is made after consultations with the relevant municipal or city Fisheries and Aquatic Resource Management Council (FARMC), made up primarily of fishers.[6] This means that municipal waters are primarily reserved for municipal fishers, and larger scale commercial fishing is not allowed within municipal waters at all. This also means that municipal fishers generally fish within the municipal waters of where they live, rather than travelling long distances.

Local governments are responsible for fisheries management in municipal waters. They maintain a registry of municipal fishers to determine who can fish where and to monitor fishing activities.[7] This registry is updated annually and posted publicly.[8] Local governments also maintain a registry of

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[1] The Philippine Fisheries Code of 1998, Republic Act No. 8550, as amended by Republic Act No. 10654, sec. 4(10), (56)-(57) ("Municipal fisherfolk - persons who are directly or indirectly engaged in municipal fishing and other related fishing activities"; "Municipal fishing - fishing within municipal waters using fishing vessels of three (3) gross tons or less, or fishing not requiring the use of fishing vessels," where municipal waters extend 15km from shore; "Commercial Fishing - the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as: 1. Small scale commercial fishing - fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT; 2. Medium scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and 3. Large scale commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.").

[2] The Philippine Fisheries Code of 1998.

[3] The Philippine Fisheries Code of 1998, sec. 4(58).

[4] The Philippine Fisheries Code of 1998, secs. 18, 21.

[5] The Philippine Fisheries Code of 1998, sec. 18.

[6] The Philippine Fisheries Code of 1998, sec. 18.

[7] The Philippine Fisheries Code of 1998, sec. 19.

[8] The Philippine Fisheries Code of 1998, sec. 19.

municipal fishing vessels.[9] While municipal fishing requires registration at the municipal level, commercial fishing – including within the FMA, but beyond municipal waters – requires a commercial fishing license issued by the national government.[10] The law limits the ability of those who are not Filipino citizens to receive commercial fishing licenses.[11]

Fishers in Philippines participate in the management of fishing areas. For each FMA, there is a separate Management Body (MB), in the form of a Council or a Board.[12] Each MB has representatives from a variety of sectors (one from each sector), including municipal fishers, commercial fishers, aquaculture, processors and others involved in the fisheries value chain, academia, and relevant NGOs. Each MB also has one representative from all local governments within the FMA and one representative from the regional fisheries office of the national fisheries agency, the Department of Agriculture – Bureau of Fisheries and Aquatic Resources (DA-BFAR).[13] Generally, MBs make their decisions by consensus, but if an MB cannot reach a consensus, a majority vote can take place, as long as the objecting party has explained its position.[14]

Each MB, in consultation with stakeholders, develops and implements its own Fisheries Management Plan (FMP), science-based harvest control rules, and other conservation and management measures for its FMA.[15] Each MB also submits an annual report about how the FMA is doing to the national fisheries agency, the DA-BFAR.[16] Importantly, each MB has a Scientific Advisory Group, consisting of scientists, academic institutions, representatives from commercial and municipal fishing sectors, and NGOs.[17] These Scientific Advisory Groups provide technical advice to MBs based on best available data, including stock assessments and catch documents at the municipal level.[18]

As mentioned above, fishers also participate in fisheries co-management through Fisheries and Aquatic Resource Management Councils (FARMCs). There are FARMCs at both the municipal and national levels. These groups are made up primarily of fishers, including female and youth fisher representatives. In each municipality and city, a FARMC includes eleven fisher representatives – seven municipal fishers, three commercial fishers, and one fisherworker. In addition to fishers, each FARMC also includes three municipal/city representatives, one national government representative, one NGO representative, and one representative from the private sector.[19] FARMCs provide advice to the government on fishery matters, assist with enforcement, and perform other related functions, as assigned.[20] Members of FARMCs are elected by the groups they represent.

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[9] The Philippine Fisheries Code of 1998, sec. 19.
[10] The Philippine Fisheries Code of 1998, sec. 26.
[11] Only Filipino citizens and organizations in which at least 60% of the capital stock is owned by Filipino citizens can receive commercial fishing licenses. Transfer of a license, stock, or interest to a person not qualified to have a license is prohibited. The Philippine Fisheries Code of 1998, sec. 27.
[12] Republic of the Philippines, Fisheries Administrative Order No. 263, 2019, sec. 6.
[13] Fisheries Administrative Order No. 263, sec. 6.
[14] Fisheries Administrative Order No. 263, sec. 13.
[15] Fisheries Administrative Order No. 263, sec. 7.
[16] Fisheries Administrative Order No. 263, sec. 16.
[17] Fisheries Administrative Order No. 263, sec. 8.
[18] Fisheries Administrative Order No. 263, sec. 8.
[19] The Philippine Fisheries Code of 1998, sec. 75.
[20] The Philippine Fisheries Code of 1998, sec. 74.