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**IMPLEMENTATION OF POLICIES IN
ADDRESSING ILLEGAL, UNREPORTED,
AND UNREGULATED (IUU) FISHING
IN THE PHILIPPINES: A REAPPRAISAL OF
ESTABLISHED MECHANISMS**

JETHRO R. PADAMA

A dissertation submitted to the World Maritime University in partial
fulfillment of the requirements for the award of the degree of
Master of Science in Maritime Affairs

2023

Declaration

I certify that all the material in this dissertation that is not my work has been identified and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my personal views and are not necessarily endorsed by the University.

(Signature): 

(Date): **24 September 2023**

Supervised by: Dr. Khanssa Lagdami
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World Maritime University

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“That in all things God may be glorified.”

Abstract

Title Of Dissertation: **Implementation of Policies in Addressing Illegal, Unreported, and Unregulated (IUU) Fishing in the Philippines:
A Reappraisal of Established Mechanisms**

Degree: **Master of Science**

The issue of Illegal, Unreported, and Unregulated (IUU) fishing is a significant issue for several countries since it aligns with the Sustainable Development Goals (SDGs) 14.4 established by the United Nations. These goals are designed to combat IUU fishing by the year 2020. The Philippines, a nation composed of islands in Southeast Asia, encounters comparable challenges, including the degradation of habitats, excessive fishing activities, and the impacts of climate change. This paper provides a commonly recognized definition, a comprehensive description of IUU fishing in the Philippines, identified gaps, and specific efforts implemented by the government to mitigate this persistent issue.

The worsening of IUU fishing in the Philippines can be attributed to several factors. These include the absence of comprehensive local fisheries regulations, difficulties maintaining accurate records of municipal vessels, the socio-cultural marginalization of impoverished fishers, distant water fishing fleets, and limitations in Monitoring, Control, and Surveillance (MCS) operations. The consequences encompass habitat damage, overfishing, and climate change, which afterward contribute to economic instability, food insecurity, and extreme poverty among fishing communities.

The last sections of this study discuss the necessary measures for effectively tackling the problem of IUU fishing in the Philippines. These initiatives encompass the promotion of the national and local government's unwavering commitment to uphold fishery regulations, the improvement of registration and licensing systems for fishing vessels at the municipal level, the cultivation of collaboration among maritime law enforcement agencies, non-governmental organizations (NGOs) and fisherfolk communities, and the stringent enforcement of monitoring, control, and surveillance (MCS) operations. Therefore, it is imperative to undertake these measures to effectively tackle this pervasive problem and guarantee the enduring viability of coastal habitats and aquatic ecosystems in the Philippines. The urgency to do this necessitates using enhanced management strategies to combat and eradicate IUU fishing practices.

KEYWORDS: Illegal, Unreported and Unregulated (IUU) Fishing, Philippines, Sustainable Development Goals, Monitoring, Control and Surveillance (MCS)

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List of Abbreviations

ASEAN	Association of Southeast Asian Nations
BFAR	Bureau of Fisheries and Aquatic Resources
DA	Department of Agriculture
DA-FAO	Department of Agriculture Fisheries Administrative Order
EEZ	Exclusive Economic Zone
EMB	Environment Management Bureau
FAO	Food and Agriculture Organization
FSA	Fish Stocks Agreement
FSI	Flag State Implementation
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
ITLOS	International Tribunal on the Law of the Sea
LGU	Local Government Unit
MARINA	Maritime Industry Authority
MC	Memorandum Circular
MCS	Monitoring, Control and Surveillance
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NPOA	National Plan of Action
NPOA-IUUF	National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing
PCG	Philippine Coast Guard
PN	Philippine Navy
PNP-MG	Philippine National Police-Maritime Group
RA	Republic Act
RFMO	Regional Fisheries Management Organization
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Fish Stocks Agreement
USA	United States of America
USCG	United States Coast Guard
USAID	United States Aid for International Development
WTO	World Trade Organization

Chapter 1

Introduction

1.1. Background and Problem Statement

Undoubtedly, the ocean has long been regarded as an invaluable resource for humanity throughout history. The global population relies on marine resources for sustenance and survival. The United Nations report (2020) and the book "Capfish Project" published last May 1, 2022, highlight the contribution of fisheries to various Sustainable Development Goals (SDGs) such as SDGs 1 (no poverty), 2 (zero hunger), 3 (good health and well-being), 5 (gender equality), 8 (decent work and economic growth) and 10 (reduced inequalities), as outlined by the World Maritime University (2022).

Another significant SDG that deserves attention is SDG 14, which focuses on the preservation and balanced use of marine resources, sometimes called "Life Below Water." The primary purpose is to safeguard and encourage the environmental application of marine resources. This encompasses mitigating ocean acidification and marine pollution, ceasing overfishing practices, and preserving the marine and coastal environment. SDG 14 exhibits a robust interconnection with other SDGs due to the crucial role played by oceans in supporting coastal economies and lives, facilitating food production, and serving as a significant carbon sink (Eurostat, 2023).

Seafood, the most extensively traded food commodity globally, is a vital source of sustenance for billions of individuals around the globe. According to the World Wildlife Fund (2023), over 3 billion individuals depend on wild-caught and farmed seafood to obtain animal protein. The fishing sector denotes an essential responsibility in driving the economic growth of coastal states due to its significant substantial contributions. The Food and Agriculture Organization's (FAO) report (2018) narrates that the projected value of global fisheries and aquaculture in 2018 was US\$401 billion, with exports amounting to around US\$164 billion. Numerous variables exert influence on marine species on a worldwide scale, including but not limited to the peril posed by climate change, the presence of marine pollution, the consequences of legal fishing practices targeting species with restricted populations, the abuse of the marine environment, and notably, the occurrence of illegal, unreported, and unregulated (IUU) fishing activities.

IUU fishing represents the fishing practices operated worldwide through commercial entities or local communities that violate a nation's international accords or domestic legislation. According to FAO (2001), IUU fishing experiences a detrimental impact on the administration

and safeguarding of all catch fisheries. Additionally, it poses a threat to the effectiveness of both national and regional fisheries management strategies. Furthermore, it is worth noting that the above phenomenon leads to decreased food security, hampers efforts toward environmental preservation, and limits immediate and future social and economic prospects (Agnew et al., 2009; FAO 2020).

In a report by the FAO (2020), it was highlighted that the expected volume of IUU fishing is up to 20 million tons annually. It insinuates that around 20% of the global fish catch is attributed to IUU fishing activities. An estimated quantity of unreported catches ranging from eight (8) to fourteen (14) million metric tons is believed to be traded illicitly yearly. This suggests that the total money generated from these activities might go from \$9 to \$17 billion annually. According to Sumaila et al. (2020), their analysis indicates that the annual economic effect resulting from the alteration of fish from the lawful trading system is projected to vary from US\$26 billion to US\$50 billion. In contrast, the decline in tax receipts ranges between US\$2 billion and US\$4 billion.

The Association of Southeast Asian Nations (ASEAN) region is not exempt from the adverse consequences of IUU fishing. Based on Chalk's study conducted in 2023, a significant offshore danger has been identified in Southeast Asia. This threat has exhibited a notable increase, resulting in substantial financial losses, jeopardizing food security, leading to extensive environmental harm, disrupting relations between states, and facilitating the proliferation of transnational criminal activities. According to a report by Asia Maritime Transparency Initiative (2022), the ASEAN states incurred economic losses above \$6 billion in 2019, with Indonesia and Vietnam being the most adversely affected.

Consequently, this phenomenon also gave rise to significant economic outcomes, resulting in regional governments incurring billions of dollars in export gains, unsettled taxes, and landing fees. Furthermore, the illicit operation poses a significant threat to several coastal neighborhoods that heavily depend on marine resources for nourishment and economic livelihood (The ASEAN Post, 2018). On the other hand, the escalating demand for fish-based feed within the aquaculture business, commonly referred to as feed-grade fishing, is an essential contributor to the overexploitation of fisheries in Asia. This practice involves capturing juvenile fish from economically valuable species, thereby impeding the recovery of fish populations (Lai, 2021).

The Philippines, situated in Southeast Asia, is a prominent nation characterized by its expansive archipelago of more than 7000 islands. These islands are surrounded by bodies of

water that exhibit varying currents, which may be attributed to a reversing monsoon system. The islands show distinct features like narrow coastal plains, mountain ranges aligned in a north-south direction, volcanoes that are currently active, and a heightened occurrence of seismic events. The Philippines has a high degree of biological diversity, susceptibility to natural disasters, and environmental vulnerability owing to its intricate geologic past and strategic geographical location (Licuanan et al., 2021).

Nevertheless, ensuring the safety of the Philippines Sea has consistently posed challenges and complexities due to the country's ongoing struggle with the problem of IUU fishing. Tahiludin and Sarri (2022) studied the prevalence and persistence of harmful fishing methods in the Philippines, such as cyanide, muro-ami, and dynamite fishing. Their findings indicate that these practices have been problematic in the region since the 1930s and persist to the current day. Consequently, IUU fishing and overfishing have resulted in a decline in the abundant fish resources that coastal people rely upon for sustenance and economic support.

According to Syverson (2022), the yearly cost incurred by the Philippines is estimated to be around US\$ 25 million, equivalent to about 1.3 billion Philippine Pesos. The Philippines Statistics Authority (PSA) data has corroborated the above findings, indicating a sustained drop in commercial and municipal marine fisheries for at least ten (10) years. According to the National Stock Assessment Program, it has been reported that a significant proportion of the country's fishery stocks, namely eighty percent (80%), are subject to heavy exploitation (OCEANA, 2023b).

Over a significant period, the fishing authorities in the Philippines have implemented fisheries reforms to address IUU fishing. This problem has been aggravated by many harmful activities carried out by both the commercial fishing sector and the local fishing community. In 2014, the European Union (EU) released an advisory, sometimes referred to as a "yellow card," to the Philippines, despite the government's ongoing attempts to tackle the situation above (PEW, 2018). The subject is a matter of great importance within fisheries, requiring urgent modifications to the existing legislation. In response to the above events, the nation expeditiously pursued the ratification of Republic Act (RA) 10654, which seeks to modify the current Fisheries Code of the Philippines, confirming the dedication to the global fishing community in 2015.

However, the revised legislation may have yet to commendably address IUU fishing within the nation. The Philippines numbered 20 out of 152 coastal countries in the 2021 IUU Fishing Index, as reported by Poseidon Aquatic Resource Management Ltd. and the Global Initiative

Against Transnational Organized Crime (Business World, 2021). The index evaluates the danger, prevalence, and response of IUU fishing in a country. The Philippines has experienced a notable improvement in its ranking, ascending by seven positions compared to the previous year. Presently, it has the same IUU score of 2.55 out of 5 as Indonesia, which is regarded as the lowest score within the region. Additionally, the recorded value surpassed the average figures for Asia and the global population, which stood at 2.51 and 2.24, respectively (Figure 1).

In light of global and societal pressures, the governmental body has recently proposed to amend RA 10654 to ensure that fisheries rules and regulations maintain compliance and adaptability. It is also said that the depletion of fish populations aggravates the issue of IUU fishing. Nevertheless, there is strong opposition from fisherfolk groups, non-governmental organizations (NGOs), and concerned individuals against the government's actions. These stakeholders argue that the Code fails to adequately address the fishing sector's present requirements. Additionally, the group declared that fishing authorities must undertake a compulsory evaluation of the Code. They further said that the effective execution of the Code is pivotal to achieving its desired outcomes (OCEANA, 2023). The forthcoming chapter, Chapter 3, will include an extensive examination of the matter.

Therefore, this study aims to evaluate the present state of IUU fishing in the Philippines' territory and identify the barriers that impede the effective enforcement of national fishing regulations and municipal ordinances. Furthermore, this study examines the fundamental principles of IUU fishing, explicitly focusing on international and regional norms, and explores their relevance within the context of the domestic environment. Moreover, this dissertation will analyze the effectiveness of the Philippines' legitimate, strategic, and established legal frameworks through its laws, policies, ordinances, issuances and directives.

1.2. Research Objectives and Research Questions

The primary purpose of this research is to ascertain the origins and difficulties of illegal fishing activities within the Philippines. Furthermore, this study will evaluate the importance of governmental interventions in tackling this complex issue. This dissertation aims to:

1. discern the origins and complexities of prohibited fishing activities inside the community waters of the Philippines.
2. evaluate the application of the international legal framework vis-à-vis those currently implemented by the Philippines to fight IUU fishing.

3. assess the present execution of legal processes by the Philippine government to identify any deficiencies.
4. propose strategies and optimal approaches to mitigate the current deficiencies in execution.

Research Questions:

1. What are the causes and consequential implications of IUU fishing within the Philippines?
2. What are the applicable international and regional agreements needed to address IUU fishing activities in the Philippines' jurisdiction?
3. What legislative measures has the Philippine government enacted to address the identified deficiencies?
4. What actions and best practices are recommended to solve the current deficiencies in legislation enforcement effectively?

1.3. Methodology Research Design

This study employed qualitative analysis to identify and examine deficiencies in implementing laws and regulations. The data-collecting process involved the examination of primary and secondary legal sources. Primary legal materials encompass a range of international, regional, and domestic statutory regulations. These include notable documents such as the 1987 Constitution of the Philippines, the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 1995 Code of Conduct for Responsible Fisheries, and the 2000 International Plan of Action to Prevent and Eliminate IUU Fishing. The secondary legal materials utilized in this study encompassed a range of scholarly resources, such as textbooks, research reports, and scientific journals sourced from reputable platforms, including Google Scholar, Elsevier, Scopus, and Hein Online.

Additionally, relevant internet sites were consulted about IUU fishing, domestic fishing policies, and other pertinent information. Formal records and documents obtained from the Philippine Coast Guard (PCG) and the Bureau of Fisheries and Aquatic Resources (BFAR) were also incorporated into the study. Consequently, this study is based on narrative literature evaluations, which provide readers with a comprehensive understanding of the investigation.

Furthermore, the present study employed the doctrinal legal methodology to comprehensively evaluate the legal principles, doctrines, and legislative provisions of IUU

fishing. Using the statutory method facilitated the identification and evaluation of the legal underpinnings of the rules in the Philippines; therefore, streamlining the establishment of a solid legal framework for legislation.

1.4. Key Assumptions and Potential Limitations

This research suggests that illegal fishing is pervasive despite the efforts undertaken by the national government. Implementing several legislations and regulations in previous times has exerted a notable influence. Nevertheless, it remains vital to consider supplementary variables. It is posited that the eradication of the fishing problem may be achieved by the efficient enforcement of laws and regulations, substantial financial backing, and a strong partnership between local government units (LGUs), law enforcement agencies, non-governmental organizations (NGOs), and the fisherfolk community.

However, this study will solely focus on the issue of IUU fishing in the Philippines. This choice was made because maritime security presents numerous intricate challenges, such as territorial disputes, human security, arms trafficking, human trafficking, sea piracy, and national security concerns.

PHILIPPINES PLACES 20TH IN GLOBAL ILLEGAL FISHING INDEX

The Philippines ranked 20th out of 152* coastal countries in the 2021 Illegal, Unreported and Unregulated (IUU) Fishing Index by the Poseidon Aquatic Resource Management Ltd. and the Global Initiative Against Transnational Organized Crime. The index assesses a country's vulnerability to, prevalence of, and response to IUU fishing. Compared to the 2019 edition, the Philippines' ranking improved by seven notches. However, with an overall IUU score of 2.55 out of possible 5 (where 1 is best), the Philippines tied with Indonesia as one of the worst performing countries in the region. It was also above the Asia and world average scores of 2.51 and 2.24, respectively.



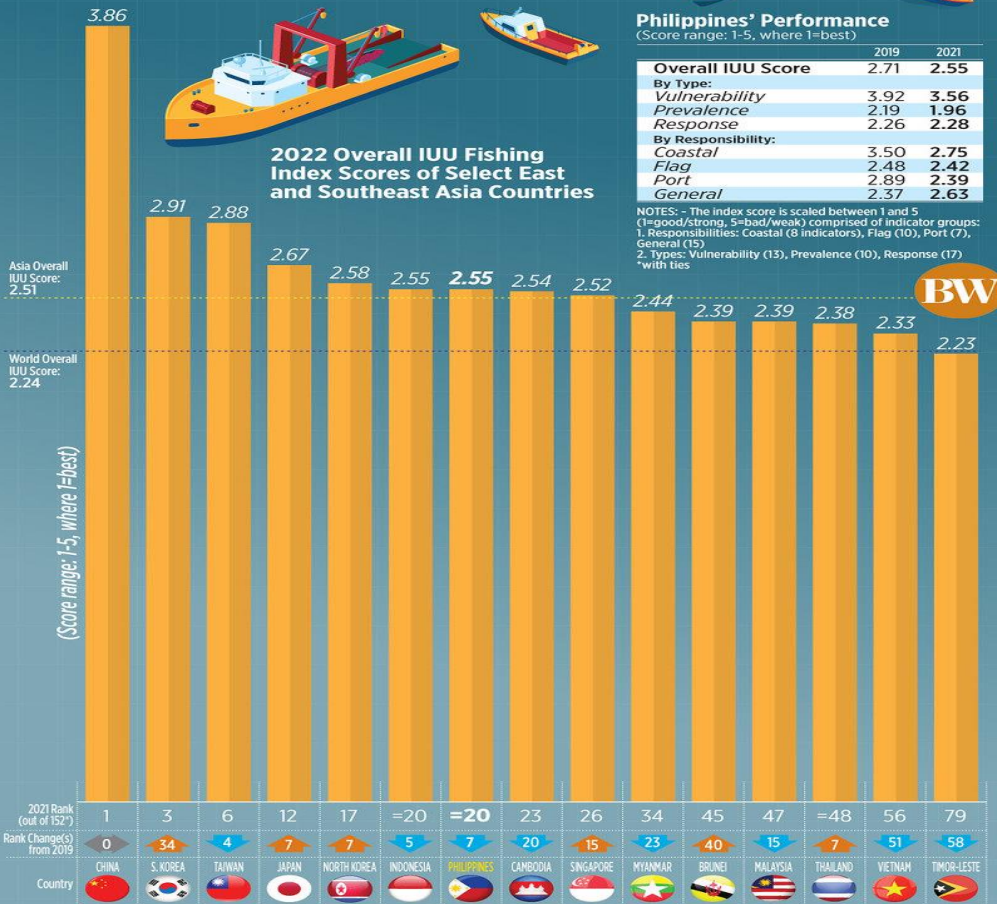
Philippines' Performance

(Score range: 1-5, where 1=best)

	2019	2021
Overall IUU Score	2.71	2.55
By Type:		
Vulnerability	3.92	3.56
Prevalence	2.19	1.96
Response	2.26	2.28
By Responsibility:		
Coastal	3.50	2.75
Flag	2.48	2.42
Port	2.89	2.39
General	2.37	2.63

NOTES: - The Index score is scaled between 1 and 5 (1=good/strong, 5=bad/weak) comprised of indicator groups:
 1. Responsibilities: Coastal (8 indicators), Flag (10), Port (7), General (15)
 2. Types: Vulnerability (13), Prevalence (10), Response (17)
 *with ties

2022 Overall IUU Fishing Index Scores of Select East and Southeast Asia Countries



2021 Rank (out of 152*)	Rank Change(s) from 2019	Country	Score
1	0	China	3.86
3	34	S. Korea	2.91
6	4	Taiwan	2.88
12	7	Japan	2.67
17	7	North Korea	2.58
=20	5	Indonesia	2.55
=20	7	Philippines	2.55
23	20	Cambodia	2.54
26	15	Singapore	2.52
34	23	Myanmar	2.44
45	40	Brunei	2.39
47	15	Malaysia	2.39
=48	7	Thailand	2.38
56	51	Vietnam	2.33
79	58	Timor-Leste	2.23

Worst 10

2021 Rank (out of 152*)	Country	Rank Change(s) from 2019	Overall IUU Score
1	China	0	3.86
2	Russia	2	3.04
3	South Korea	34	2.91
4	Somalia	6	2.90
5	Yemen	2	2.89
6	Taiwan	4	2.88
7	Ukraine	24	2.75
8	Eritrea	53	2.75
9	Egypt	16	2.70
10	Libya	2	2.69

Best 10

2021 Rank (out of 152*)	Country	Rank Change(s) from 2019	Overall IUU Score
=151	Finland	2	1.62
=151	Estonia	1	1.62
150	Sweden	3	1.66
149	New Zealand	19	1.68
148	Belize	3	1.69
147	Denmark	11	1.72
=145	Romania	16	1.72
=145	Belgium	7	1.72
144	Poland	4	1.73
143	Tonga	1	1.73

SOURCE: GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME AND POSEIDON AQUATIC RESOURCE MANAGEMENT LTD.'S THE ILLEGAL, UNREPORTED AND UNREGULATED FISHING INDEX 2021 (HTTPS://WWW.IUUFISHINGINDEX.NET)
 BUSINESSWORLD RESEARCH: BERNADETTE THERESE M. GADON BUSINESSWORLD GRAPHICS: BONG R. FORTIN

Figure 1. Illegal, Unreported, and Unregulated (IUU) Fishing Index 2021

Source: Poseidon Aquatic Resource Management Ltd. and Global Initiative Against Transnational Organized Crime <https://www.bworldonline.com/infographics/2022/06/16/455375/philippines-places-20th-in-global-illegal-fishing-index/>

Chapter 2

Review of Related Literature

This chapter comprehensively introduces the pertinent aspects of IUU fishing. The text provides a concise overview of the legislation's historical context and progression regarding the governance of IUU fishing activities. The content encompasses an introductory overview of international binding and non-binding treaties and a selection of relevant legislation. Subsequently, a practical background converging on illegal fishing in the Philippines will be further explored in later chapters.

2.1 Global Overview of Prohibited Fishing

The term IUU fishing was not known before, but it is now commonly used. This can be attributed to the global demand for fishing marine resources, which is already reaching its peak as the world population increases. The prior supply of fishery resources was abundant, but time has changed with overexploitation and depletion (Ellis, 2003).

Moreover, it diminishes fish supply and, as a result, reduces its productivity. The scope of IUU fishing is so extensive that it accounts for approximately 30% of all fishing activities worldwide, estimated to be 26 million metric tonnages of fish captured per annum (FAO,2015). Accordingly, such fishing became rampant to address the difficulty of food security.

The illegal activity conducted in coastal waters negatively impacts the coastal States. According to research by the WMU (2022), IUU fishing is prevalent in all high-seas and domestic waters. It undermines the regional and nationwide efforts to conserve and manage fish stocks, thereby hampering the achievement of longstanding sustainability and development objectives (FAO, 2023). Hence, prohibited fishing activities challenge local, regional, and global conservation efforts (Figure 2).

The Oceans Suffering Most From Illegal Fishing

Average annual gross revenue loss from illicit marine fishing in the most affected oceans (in billion U.S. dollars)

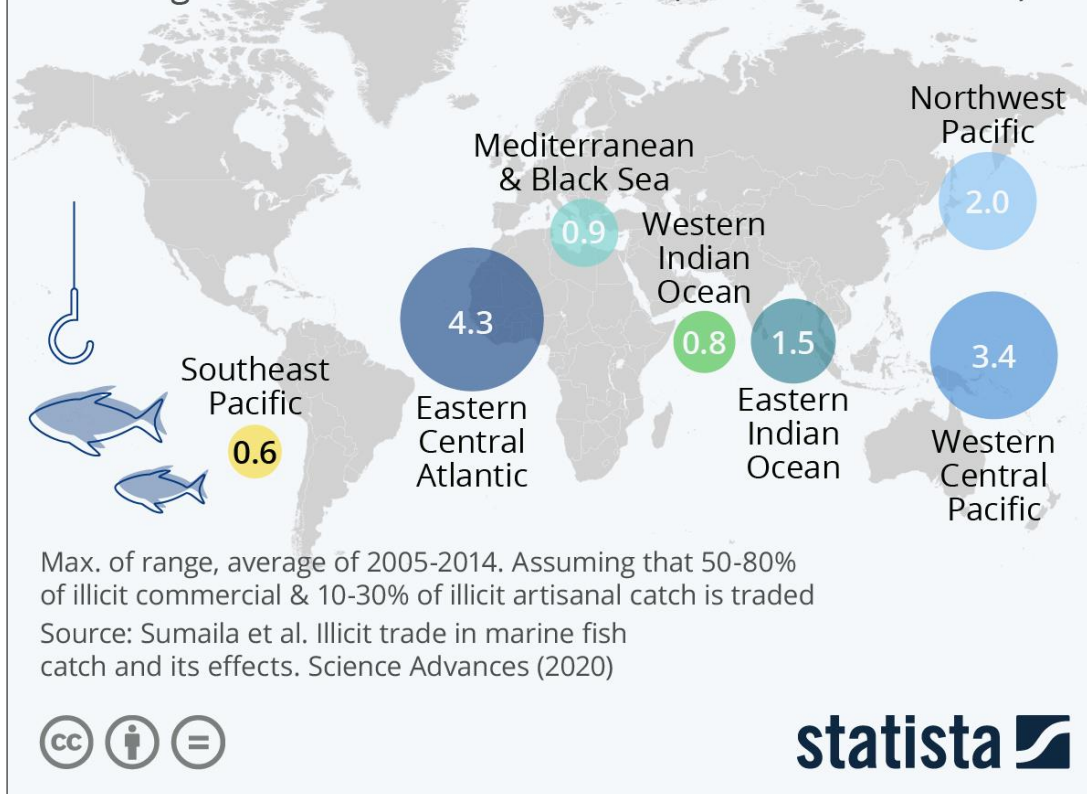


Figure 2. Average Annual Gross Revenue Loss from Illegal Fishing

Source: Infographics: The Ocean Suffering Most from Illegal Fishing

<https://www.statista.com/chart/25021/illegal-fishing-revenue-losses-by-ocean/>

2.2 Defining the Issue of IUU Fishing

In 2010, the FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (2001) described “illegal, unreported and unregulated fishing” as follows:

- a. **Illegal fishing** occurs when vessels without permission or violating laws and regulations operate in State waters or when ships flying the flag of Parties to a regional fisheries management organization violate the conservation and management plan.
- b. **Unreported fishing** involves activities that violate national laws and regulations or regional fisheries management organization procedures.

c. **Unregulated fishing** refers to fishing in a regional fisheries management organization's application area by vessels without nationality, those flying a flag of a non-party State, fishing entities, or in a manner that violates conservation and management measures, or in areas or fish stocks without applicable criteria.

Participation of the States

Collaboration and coordination between governments with flag, coastal, and port responsibilities significantly enhance the effectiveness of endeavors to address IUU fishing. International agreements and regional organizations are pivotal in promoting collaboration by prescribing standards for all participating entities.

Flag States

Flag States must oversee vessel registers, maintain jurisdiction, establish a genuine connection between vessels and flag states, and enforce the closure of open registries for fishing vessels. Flag states must exercise caution to avoid IUU fishing activities (Lubchenco & Haugan, 2023).

Coastal States

Coastal states implement a monitoring, control, and surveillance (MCS) system to oversee fisheries in their seas. This may involve a vessel monitoring system, aerial or at-sea surveillance, and observers on fishing vessels. Examining captured specimens, equipment, and paperwork is also essential (European Parliament, 2022).

Port States

Port states act as regulatory gatekeepers, preventing IUU seafood landing and market entry. They implement "port state measures" that foreign vessels must follow, including prior notice, designated port usage, fish landing and transshipment restrictions, supply and service limitations, paperwork requirements, and port inspections. These measures aim to reduce financial incentives for illegal fishing (European Parliament, 2022).

2.2.1 Drivers of IUU Fishing

Three main drivers are leading to IUU fishing, namely institutional, economic, and social drivers. Institutional drivers are associated with the transnational permissible basis to safeguard fish classes. According to research (Widjaja et al., 2020), weak national, regional, and international governance has resulted in a patchwork of regulations allowing IUU fishing to thrive. Under the terms of the UNCLOS, certain IUU fishing activities are also exempt from

international and national regulations. Accordingly, exploiting the vagueness of the regulations' provisions to circumvent them leads to illegal fishing. Examples of the institutional considerations are maritime law does not prohibit Flag of Convenience (FOC) vessels from engaging in IUU fishing while at sea (Gallic & Cox, 2006); the presence of corruption among law enforcement agencies, insufficient MCS in the ASEAN complicates the challenge of IUU fishing, and illegal operators have more advanced technologies to evade the law in ASEAN territory (Vishwanathan et al., 1997).

On the other hand, ineffective management, subsidies, and excessive capacity are the economic factors that cause IUU fishing (Gallic & Cox, 2006). Initially, the overlapping fishing zone boundaries and conflicting fishing regulations of nations substantially contribute to IUU fishing. Financial support from countries is also being developed, reducing fishing costs in certain regions but stimulating the growth of IUU fishing capacities locally and internationally. Overcapacity in fishing also resulted from uneven allocation of fishing rights or capacities and domestic fleet fishing opportunities (Lee et al., 2015).

Lastly, social drivers refer to poor social conditions, such as low levels of education and high population pressure, which pushes the fisherfolks to be involved in IUU fishing. Various lifestyles likewise lead them to different fishing behaviors. Thus, fishers' social backgrounds force them to commit maritime crimes (Gallic & Cox, 2006).

2.2.2 Impact of IUU Fishing

IUU fishing leads to overfishing and impedes the recovery of ecosystems and fish populations. FAO (2016) estimated that 31.4% of fish stocks were exploited at levels that were not biologically sustainable in 2013 and were, therefore, overfished. It added that 58.1% of all evaluated securities had been fully used. Annual environmental losses from IUU fishing are estimated at 11- 26 million tons of fish (about 18% of the global catch) and US\$ 10 - 23.5 billion in financial losses (Agnew et al., 2009). Research on the Western and Central Pacific Oceans conducted at a more localized degree yielded reduced estimates for the cost and size of IUU fishing. Specifically, the estimated value ranged from US\$ 707 million to US\$ 1.56 billion, as reported by MRAG Asia Pacific in 2016. Likewise, a study confirmed regional and global estimates for various species, such as demersal fish and shrimp, encompassing certain areas of Indonesia and the Philippines (Agnew et al., 2009). In contrast, MRAG (2016) specifically focused on tuna in the same regions of Indonesia and the Philippines. Therefore, it is essential to exercise caution when directly comparing these two studies (Lubchenco & Haugan, 2023).

Consequently, several underlying causes were identified, leading to the proliferation of IUU fishing. Firstly, it identifies fundamental flaws, such as a lack of a penalty mechanism to prevent IUU operations or insufficient efforts to rectify fisheries MCS deficiencies (MARE, 2014). Secondly, economic motivations motivate IUU fishing and other illegal activities like bonded labor, as the rewards of engaging in IUU fishing far outweigh the risks (Lubchenco & Haugan, 2023). Thirdly, limited resources and logistical complexities hinder efforts to curb IUU fishing activities in expansive oceanic regions (Widjaja et al., 2020).

2.3 Legal Framework of IUU Fishing

The international legal framework for enforcing fisheries law consists of legally binding agreements, including UNCLOS, the FAO Compliance Agreement of 1993, the UN Fish Stocks Agreement of 1995, and the FAO Port State Measures Agreement of 2009. The agreements promote fair, practical use and management of living resources in national and international waters (UNCLOS, 2019).

2.3.1 International Instruments

States can access legally enforceable agreements to implement measures and establish guidelines for addressing IUU fishing activities in their territories. Various documents about IUU fishing operations encompass other concerns, including protecting fishermen's human rights and promoting safety measures for maritime activities (Lubchenco & Haugan, 2023).

2.3.1.1 United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS) of 1982 established a comprehensive legal framework governing maritime zones and the rights and duties of nation-states. It is sometimes referred to as the "Constitution for the Oceans." However, it should be noted that the Law of the Sea Convention (LOSC) has limited coverage since it does not include fishing activities carried out on international seas or those targeting highly migratory fish species that cross many countries. As a result, implementing the United Nations Fish Stocks Agreement and the FAO Compliance Agreement has strengthened the abovementioned limitations (Palma-Robles, 2016).

According to Tanaka (2019), the archipelagic State's territorial sovereignty encompasses the waters bounded by the archipelagic baselines without regard to their distance or depth from the coastline, as stipulated in Article 49(1) of UNCLOS. Moreover, according to Article 51 (1),

an archipelagic state must respect treaties and acknowledge neighboring countries' customary fishing rights and other lawful activities in certain territories.

The Obligations of the Flag State

According to the Advisory Opinion rendered by the International Tribunal for the Law of the Sea (ITLOS) in 2015, the Flag State bears a "due diligence obligation" to mitigate and prevent IUU fishing activities carried out by vessels flying its flag. The ITLOS requires flag States to ensure compliance with the Convention on the Conservation and Management of Marine Living Resources by fishing boats registered under their flag. If other states report transgressions, it is necessary for the nation that is flying the flag to initiate an investigation and make amends for this violation.

According to Tanaka (2019), LOSC mandates that flag States take measures to halt IUU fishing activities. The flag State requires effective prosecution procedures to oversee and uphold the established norms and rules inside its legal systems. Similarly, enforcing penalties for IUU fishing should discourage violations and prevent perpetrators from reaping any advantages, as non-compliance with the agreement entails global responsibility.

Tanaka (2019) further added that the ITLOS holds flag States liable for failing to exercise "due diligence" in preventing IUU fishing by their vessels (Espenilla, 2021). The flag State's perceived lack of responsibility in exercising "due diligence" to mitigate IUU fishing inside the exclusive economic zone (EEZ) of the third State is a matter of concern.

Boundaries of Flag Responsibility

According to Tanaka (2019), the implementation of criteria for protecting living resources in marine areas may need the delegation of authority outside the jurisdiction of the flag State. Therefore, it is crucial to implement more cohesive procedures to ensure maximum adherence. An increasing trend has been seen among regional fisheries authorities to employ non-flag measures, gaining significant attention. This particular domain encompasses the study and analysis of oceans and harbors.

2.3.1.2 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)

The 1993 FAO Conference established the Compliance Agreement to strengthen flag States' authority and maritime vessel monitoring to ensure compliance with international agreements. The FAO Compliance Agreement covers all high-seas fishing vessels. This statement concerns flag States' failure to ensure that ships flying their flag comply with international

marine resource protection and management regulations. Global cooperation, especially with developing nations, and collaboration to incentivize non-state actors to follow the agreement terms are stressed (FAO, 2023).

2.3.1.3 United Nations Fish Stock Agreement (UNFSA)

The 1995 UNFSA expounds on ways to enhance global cooperation, as stated in UNCLOS, on preserving and regulating fish stocks that cross borders and travel extensively. This is achieved by forming regional and sub-regional associations and accords to manage fisheries resources. The document covers critical factors such as the scope of application, obtaining scientific advice, reviewing stock status, identifying stocks that need management and conservation actions, and guaranteeing that the newly formed organization or structure complements existing groups in terms of roles, objectives, and operations (FAO, 2023).

2.3.1.4 Port State Measures Agreement (PSMA)

The Agreement aims to reduce IUU fishing by implementing port State measures and ensuring the sustainable use of marine resources and ecosystems. It also deters the use of convenience ports. The instrument targets boats without flags and is enforced by Parties such as port States, requiring developing nations to support their efforts in implementing the Agreement (INTERPOL, 2018).

Non-Binding International Instruments

Non-binding texts represent discretionary directives that states may choose to comply with at their discretion. These texts do not carry any legal obligations or enforcement mechanisms, and their implementation is subject to the sovereign decision-making of each state. (Lubchenco & Haugan, 2023).

2.3.1.5 FAO Code of Conduct for Responsible Fisheries (CCRF Code)

The FAO developed the CCRF Code, ratified at the October 31, 1995 FAO Conference under Resolution 4/95. This initiative aims to establish universally applicable standards and norms of conduct for marine and freshwater aquatic resource conservation, management, and development (NOAA, 2021). The main objective of this voluntary, non-binding agreement is to establish global standards for preserving, managing, and developing marine life resources. Although voluntary, the CCRF has helped national governments shape fisheries policies (Allison, 2001).

2.3.1.6 Voluntary Guidelines for Flag State Performance and Voluntary Guidelines for Catch Documentation Schemes

These non-binding agreements supplement FAO global IUU fishing initiatives. These documents complement FAO-led global IUU fishing initiatives. Accordingly, it has tried to mobilize IUU fishing essentials. The port, coastal, and flag States have been recognized as ways to enforce anti-fishing laws. Non-state entities also address the comprehensive effects of IUU fishing (Lubchenco & Haugan, 2023).

2.3.1.7 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unlawful Fishing (IPOA-IUU)

The IPOAA-IUU stresses the importance of a comprehensive approach to combat IUU fishing. To address the failure of flag States to fulfill their obligations, this document calls for necessary actions by States. These actions include measures along the coastline, port States, and the market. The IPOA-IUU is similar to the CCRF and is based on relevant international legal frameworks such as the UNFSA, Compliance Agreement, and, more importantly, the UNCLOS. Implementing a strategic course of action at national and regional levels reinforces these commitments (Lubchenco & Haugan, 2023).

Moreover, FAO (2001) mandates that States collaborate with FAO and international financial institutions to facilitate training and capacity building for developing countries. Offering financial, technical, and other assistance is crucial to help these countries fulfill their obligations under the International Plan of Action for the Conservation and Management of Sharks IPOA and their responsibilities as flag States and port States. Efforts should focus on aiding in formulating and executing national action plans.

2.4 Regional Group and Data-Sharing Organizations

Regional associations and organizations endeavor to address IUU fishing by facilitating data exchange and fostering collaboration among nations that possess mutual fisheries resources and interests.

2.4.1 Association of Southeast Asian Nations (ASEAN)

The ASEAN Declaration (Bangkok Declaration) was signed on August 8, 1967, in Bangkok, Thailand, officially establishing the ASEAN. Ten countries currently comprise ASEAN: Indonesia, Malaysia, the Philippines, Singapore, Thailand, Brunei Darussalam, Vietnam, Lao People's Democratic Republic, Myanmar, and Cambodia.

The ASEAN actively cultivated amicable relationships with external nations while promoting constructive discourse collaboration and establishing national, regional, and global partnerships. The inclusion encompasses a range of entities, namely partners originating from regions beyond the Association of Southeast Asian Nations (ASEAN), human rights organizations, diplomatic representatives from non-ASEAN nations, committees dedicated to ASEAN affairs in countries beyond the ASEAN area, international organizations, as well as global and regional groupings (ASEAN,2020).

2.4.2 ASEAN Network for Combatting Illegal, Unreported, and Unregulated Fishing (AN-IUU)

According to the Association of Southeast Asian Nations (ASEAN, 2017), the AN-IUU, often known as "the Network," aims to assist nations in addressing the issue of IUU fishing by exchanging optimal strategies and information. The AN-IUU cannot duplicate the operational capabilities of either the RPOA-IUU or the Southeast Asian Fisheries Development Centre (SEAFDEC).

2.4.3 Regional Plan of Action to Promote Responsible Fishing Practise including Combatting IUU Fishing in the Region (RPOA-IUU)

In response to requests and reports, the RPOA Secretariat can distribute information via the website and official correspondence. To achieve RPOA goals, the Secretariat may urge member nations to deny the vessel port access or facilities (Lubchenco & Haugan, 2023). IUU fishing vessel list exchange and port state policy capacity-building programs are organized through seminars and training. The RPOA is voluntary but provides a framework for nations to take independent or collaborative steps to preserve and sustain fisheries resources and address IUU fishing (APEC, 2008).

2.4.4 National Plan of Action to Promote Responsible Fishing Practise including Combatting IUU Fishing in the Region (NPOA-IUU)

Many nations have formed NPOA-IUU through the IPOA-IUU and the usage of various MCS measures (SEAFDEC,2017). Ship registration (flag State obligation), vessel surveillance (flag and coastal State duty), port inspection (port State responsibility), and catch documentation (market State responsibility) are all part of national MCS activities. MCS's focus may differ based on the state of fisheries and IUU fishing in each region and nation (FAO, 2017).

2.4.5 Interpol's Project Scale

Initiated in 2013 as Project Scale, Interpol's Global Fisheries Enforcement initiative supports law enforcement across all 192 of its member countries. Its primary purpose is to help detect, discourage, and interrupt international fisheries crime. An essential part of this effort has been the formal solicitation and subsequent dissemination by INTERPOL of several Purple Notices about fishing vessels on the high seas from member states. The Purple Notice collects details on a criminal's technique, equipment, and concealment methods. Several notorious fishing vessels involved in IUU fishing have been caught due to its adoption (Lubchenco & Haugan, 2023).

2.4.6 International Monitoring Control and Surveillance (MCS) Network

The primary objective of the International MCS Network is to promote the efficacy and efficiency of operations about fisheries-related MCS. This will be achieved by promoting improved coordination, collaboration, and information sharing among national organizations and institutions responsible for MCS in fisheries (Lubchenco & Haugan, 2023).

Chapter 3

IUU Fishing in the Philippines

This chapter aims to briefly explain the Philippines as a maritime nation dependent on fisheries as part of its booming economy, factors, challenges, and some statistics proving that IUU fishing has been prevalent through the years. It also elaborates on various domestic fishery laws and the government's initiatives in adhering to international conventions, followed by a further discussion on the best practices in Indonesia and Thailand.

3.1 Philippines as a Maritime Nation

The Philippines is a Southeast Asian country officially known as the Republic of the Philippines. It comprises approximately 7,641 islands, positioning the Philippines in second place in Asia, behind Indonesia, and seventh place globally in terms of having the most significant number of islands (Phil Atlas, 2023), as shown in Figure 3.



Figure 3. Map of the Philippines

Source: CIA. (2023). The World Factbook. www.cia.gov.
<https://www.cia.gov/the-world-factbook/countries/philippines/map>

The entire length of the Philippines' littoral is 36,289 kilometers or 22,548.94 miles. This positions the nation in third place among sovereign countries/states in Asia with the longest coastline, behind Indonesia and Russia, and fifth place globally (CIA, 2018). In 2018, the nation ranked eleventh among marine capture fisheries-producing countries, capturing approximately 1.9 million metric tons of over 100 species annually (FAO, 2020).

The Philippines exhibits significant apprehension over many marine concerns, including IUU fishing activities, instances of piracy, armed robbery, abduction, terrorism, human rights violations, illegal arms trade, drug trafficking, degradation of coral reefs, the impact of climate change, and a lack of adherence to safety and navigation protocols (INTERPOL, 2021; ASEAN Regional Forum, 2023).

The maritime economy employs about 2.2 million Filipinos, contributing about 7% to the country's GDP (Baling & Recide, 2017). Seventy percent of its more than 1,500 municipalities are located in the coastal region, home to millions of people for whom the sea is an everyday yet frequently misunderstood occurrence. Coastal fishing accounts for between 40 and 60 percent of the total yield (One Ocean, 2004). About sixty percent of the population resides in coastal areas and relies on coastal resources for subsistence (Asian Development Bank, 2017).

Fish is preferred above other animal protein sources in several Southeast Asian markets, including Indonesia and the Philippines. According to the Asian Development Bank (2017), worldwide seafood consumption is expected to rise by 20% (30 million tonnes) by 2030, with most of the growth coming from emerging countries in Latin America, Africa, Oceania, and Asia (Lubchengo & Haugan, 2023), as shown in Figure 4. The figure illustrates the average per capita global fish consumption from 2015-2017.

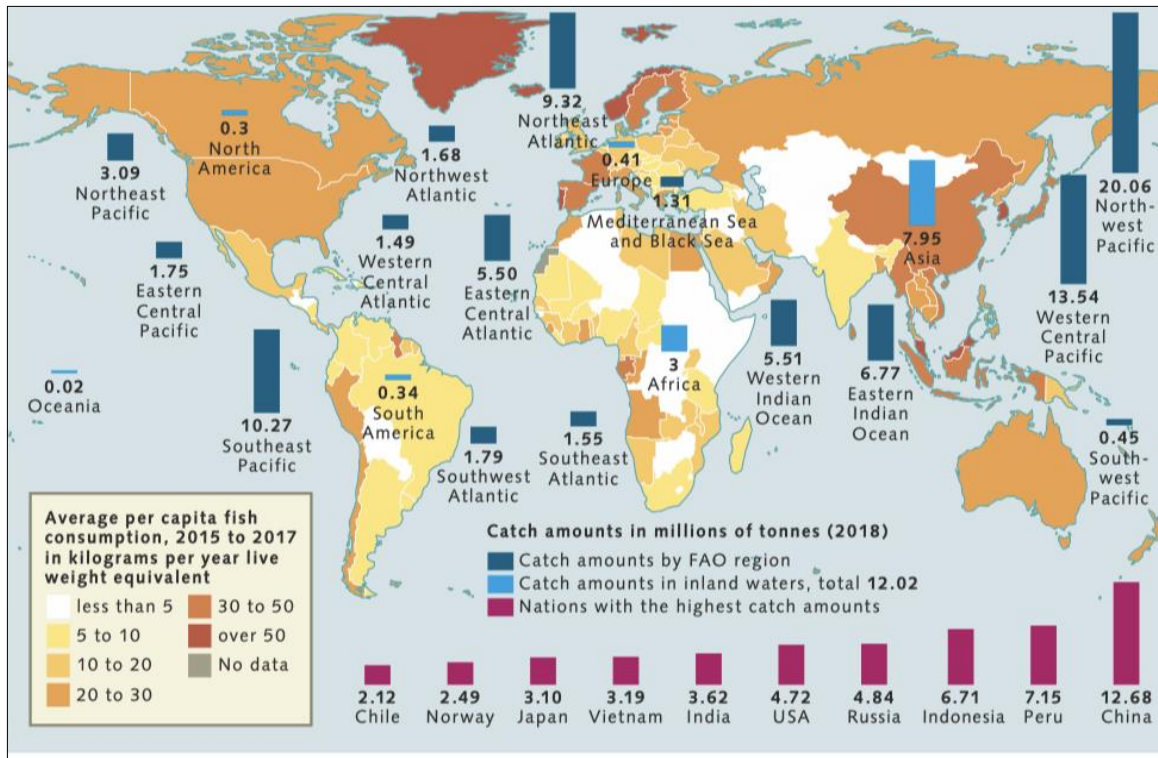


Figure 4. Average Per Capita Consumption 2015-2017

Source: World Ocean Review. (2021). *The Ocean, Guarantor of Life – Sustainable Use, Effective Protection*. https://worldoceanreview.com/en/?gclid=CjwKCAjw2K6lBhBXEiwA5RjtCYiGAPIIChNWLOBheGu5KkSCAXTDjzzBc3ONuKYAhVHURKATYClrGhoCerkQAvD_BwE

3.1.1 Fisheries Country Profile

The fisheries industry in the Philippines is categorized into three main segments: commercial, municipal, and aquaculture. Commercial fisheries may be classified into three main groups based on their size of operation.

The first group is small-scale fisheries, which employ passive or active gear and fishing vessels with a gross tonnage (GT) ranging from 3.1 to 20. The second group is medium-scale fisheries, which utilize functional gears and boats with a GT between 20.1 and 150. Finally, the third group is large-scale fisheries, which employ active gears and vessels with a GT of 150 (SEAFDEC, 2023).

According to SEAFDEC (2023), the Philippine fisheries industry was vital to the economy in 2018, contributing 1.2% to the gross domestic product and 1.3% at constant prices. The country has a significant income source, with 1.99 million fishermen and 0.35 million fish producers. In 2019, the average Filipino consumed 34.27 kg of fish and fishery products annually. As of 2019, the Philippines ranks tenth in capture fisheries and eleventh in aquaculture, as shown in Table 1. The table illustrates that it has attained an impressive tenth

rank in capture fisheries and a commendable eleventh place in aquaculture (SEAFDEC, 2023).

	2019	2018	2017	2016	2015
Total	4,413,129	4,613,074	4,312,663	4,350,761	4,645,871
Capture Fisheries	2,054,891	2,308,709	2,074,876	2,149,847	2,297,712
Marine Capture	1,900,210	2,145,735	1,911,006	1,994,338	2,094,346
Inland Capture	154,681	162,974	163,870	155,509	203,366
Aquaculture	2,358,238	2,304,365	2,237,787	2,200,914	2,348,159

Table 1. Total Fishery Production of the Philippines by Quantity (MT)

Source: Fishery Statistical Bulletin of Southeast Asia. (2019).

A maritime and archipelagic nation with 266,000 km² of coastal waters and the longest coastline globally, the Philippines continues to confront maritime law enforcement and maritime challenges. As millions of Filipinos rely on marine resources for their livelihoods and nutritional security, it is crucial to protect their abundance (National Coast Watch Council Secretariat, 2022).

3.1.2 The Challenge of IUU Fishing in the Philippines

The widespread problem of IUU fishing has been a perennial problem for the Philippines. It encompasses several forms of illegal fishery, such as the engagement of both Filipino and foreign fishing vessels in IUU fishing, the adoption of unsustainable fishing techniques, the lack of regulation governing the operations of unregistered fishing vessels, and the failure to report fishing activities (Palma, 2008). Furthermore, Pramod et al. (2008) added that IUU fishing in the Philippines is mainly manifested through deliberately underreporting marine capture. In addition, unlicensed commercial fishing vessels and inaccurate registration as municipal fishing boats are commonly seen as IUU fishing (Alesna et al., 2004). The actions above have led to insufficient data for accurately estimating catch levels, which is crucial for informing policy development (Palomares et al., 2014). As a result, it can be concluded that the fisheries in the Philippines are already overexploited, even if there was a drastic increase in the number of registered commercial and municipal fishing vessels and continuing efforts in the fishing industry by the government (Anticamara & Go, 2016).

On the other hand, the price of fisheries has been constantly increasing even though the fish catches are limited. Primarily, the price of conducting fishing activities at sea is already high as efforts (investing in expensive fishing advancement, high cost of fuel, and spending plenty of time at sea) lead to price increase in the fish market (Anticamara & Go, 2016). Hence, decreasing fisheries supply and increasing the fisheries operation cost will put the fisherfolk

groups' welfare at the losing end.

3.1.3 Factors Leading to IUU Fishing

IUU fishing in the Philippines is influenced by two primary variables: internal and external. Lepardo et al. (2017) conducted a study that examined the internal factors influencing the decision-making process of fishers. These factors encompassed the socio-demographic profile of the fishers, the dynamics of the interaction between fishing vessel operators and fishers, and the profit-sharing arrangements between them.

For example, the individuals engaged in tuna fishing primarily hail from small-scale fishing villages in the coastal areas surrounding General Santos City in the southern Philippines. Based on the findings of Allen and Gough (2006), a significant majority, namely over 60%, of the Filipino crew members engaged in harvesting tuna species have been raised in regions associated with fishing or farming activities. The educational background of these individuals mainly consists of high school education, with a few pursuing vocational training in marine studies at the associate level. Furthermore, it is noteworthy that a significant proportion of General Santos City's fishing population consists of individuals in their middle-aged years and at the peak of their physical capabilities. These individuals typically provide financial support to a family unit, including four to six people, while grappling with a small salary (Peji, 2014).

Conversely, the external elements pertain to the efficacy of fishing rules and laws. According to Carreon (2004), the lack of regulation in fishing practices contributes to decreased production within the fishing business. As an example, licensing can reduce the occurrence of IUU fishing activities. However, the inadequate MCS systems in place for registered fishing vessels have a role in influencing fishers to participate in IUU fishing (Alesna, 2004).

3.1.4 Some Statistics

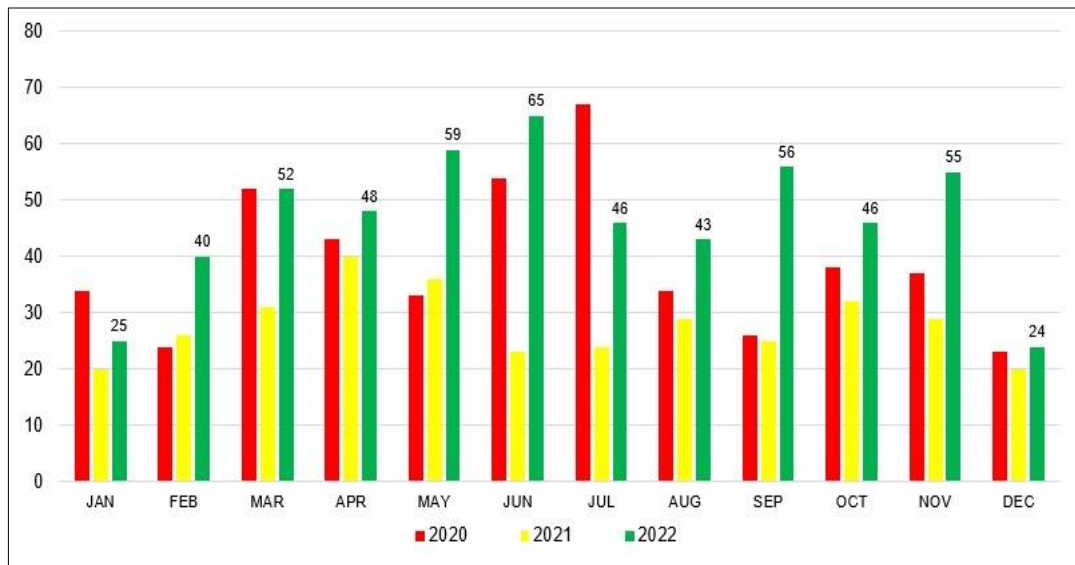


Figure 5. Month-to-Month Comparison of IUU Fishing Incidents in 2022

Source: Information Fusion Centre. (2022). Annual Report 2022. www.ifc.org.sg.

<https://www.ifc.org.sg/ifc2web/Publications/Annual%20Report/2022/Annual%20Report%202022.pdf>

The report published by the Information Fusion Centre in 2022 reveals that June 2022 had the most significant events associated with IUU fishing. Of 559 instances, 65 were recorded throughout the specified timeframe (see figure 5). Consistent with the data from the previous two years, December 2022 had the lowest incidence rate, amounting to 24 incidents. In 2022, there was a notable surge of 66% in the number of Local IUUF occurrences, with 295 cases reported, as opposed to the 178 incidents recorded in the preceding year of 2021. Similarly, the quantity of IUU fishing occurrences in 2022 amounted to 264, indicating a notable surge of 68% compared with the 157 incidences recorded in 2021.

According to the Information Fusion Centre (2022) findings, as seen in Figure 6, Malaysia exhibited the highest domestic incidents associated with IUU fishing in 2022. The recorded count of these occurrences reached a total of 122, exceeding the documented statistics from the previous year of 2021 by a margin of 56. The regions of the Philippines and Sri Lanka have been recognized as areas of significance based on the occurrence of 58 and 31 events inside the designated area of inclusion (AOI) as specified by the International Finance Corporation (IFC).



Figure 6. Main Countries of Concern for Local IUUF

Source: Information Fusion Centre. (2022). Annual Report 2022. www.ifc.org.sg.

<https://www.ifc.org.sg/ifc2web/Publications/Annual%20Report/2022/Annual%20Report%202022.pdf>

According to the Information Fusion Centre's report (2023), there has been an increase in instances of IUU fishing over the period spanning from January to April 2021 to 2023. In the wake of successfully mitigating the COVID-19 pandemic, States throughout the globe are progressively easing their respective COVID-19 restriction; therefore, enabling a gradual resurgence of the global economy. This trend is anticipated to persist, with the predicted culmination of IUU fishing occurring in April, followed by a subsequent decline, as seen in Figure 7.

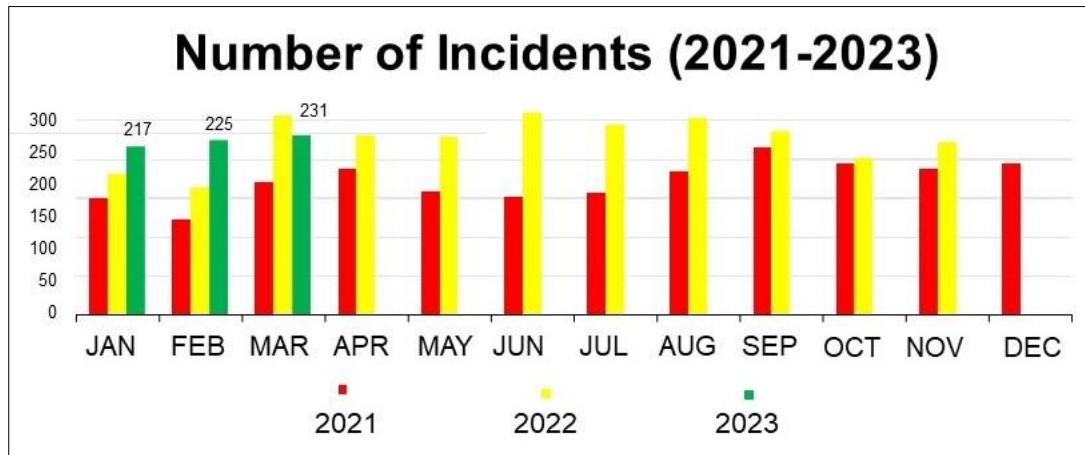


Figure 7. IUU Fishing Incidents within IFC's AOI from 2021-2023

Source: Information Fusion Centre. (2023b). IFC MONTHLY REPORT March 2023.

www.ifc.org.sg.

<https://www.ifc.org.sg/ifc2web/Publications/Monthly%20Report/2023/IFC%20Monthly%20Report%20Mar%202023.pdf>

The early estimates about the issue of IUU fishing in the Philippines were determined from the Delphi technique, as provided by Bello (2021) and illustrated in Figure 8. The Delphi methodology is a method of estimating its speed and iterative nature characterize. It involves a diverse group of experts who contribute estimates based on their specialized knowledge and experiences in the subject matter.

RECENT IUU FISHING ESTIMATES IN THE PHILIPPINES			
Sector	Illegal	Unregistered	Unreported
Municipal	257,000-402,000 MT/year P24.1-37.8 billion	80,000-125,000 unregistered municipal fishing vessels	309,000-485,000 MT/year P29.0-45.6 billion
Commercial	259,000-364,000 MT/year P17.7-17.8 billion	1,600-2,700 unregistered or incorrectly registered commercial fishing vessels	274,000-422,000 MT/year P18.7-28.7 billion
Total	516,000-766,000 MT/year P41.8-62.6 billion	81,600-127,700 unregistered fishing vessels	583,000-907,000 MT/year P47.7-74.3 billion

Source: Quantifying the Prevalence and Impact of Illegal, Unreported, and Unregulated Fishing in the Philippines, Survey and Workshop Report, 31 January 2021

Figure 8. IUU Fishing Estimates in Terms of Tonnage and Amount of Loss

Source: Bello, R. (2021). In Numbers: Illegal, unreported, and unregulated fishing in the Philippines. RAPPLER. <https://www.rappler.com/environment/numbers-illegal-unreported-unregulated-fishing-philippines/>

Throughout the estimation process, a significant number of stakeholders, over 50 in total, representing various entities such as national and local governments, civil society organizations, academic institutions, and local fisherfolk, actively participated in the forecasting activities related to IUU fishing. These engagements were conducted through online sessions, considering the difficulties presented by the COVID-19 pandemic (Bello, 2021).

The main goal of the start-up effort is to create an improved data gathering and monitoring system for the coastal and marine areas of the Philippines. As a result, this could enhance local and national government bodies' knowledge foundation and strategic decision-making, particularly in resource conservation and investment allocation within their respective communities (Bello, 2021).

3.2 National Legislation

A set of regulations or a legal framework established by the governing authority of a sovereign nation, which possesses legal validity across all areas and territories falling under the jurisdiction of the governing authority. Within the realm of international law, it is imperative for a State that is a participant in an international treaty to guarantee that its domestic legislation and operational procedures align with the stipulations mandated by the treaty (UN Environment Programme, 2023).

3.2.1 Brief History of Philippines' Fishery Laws

The Spanish Law of Waters, enacted in 1866, was expanded upon by the Spanish Royal Decree in 1866. This law established public waters as publicly owned resources. In 1912, the Philippine Legislature enacted Act 2152, also known as the Irrigation Act, ensuring that the Spanish Law of Waters, Civil Code, and other relevant laws remained in effect unless conflicted with the Irrigation Act provisions (BFAR, 2021).

Conversely, the Fisheries Act of 1932 consolidated legislation and regulations on fisheries and aquatic resources. In 1950, RA 428 made possessing, selling, or distributing fish and marine animals obtained through explosives or poisonous substances illegal. The act also included the failure of law enforcement officials to take action against violators (BFAR, 2021). On the other hand, Presidential Decree No. 43, also known as the Fishery Industry Development Decree of 1972, was officially issued on November 9, 1972. The objective of this order was to expedite the progress of the fishing sector in the Philippines and establish the Fisheries Industry Development Council (FIDC). Furthermore, the Fisheries Decree of 1975, also known as PD No. 704, was promulgated in 1975 to govern fisheries. Its primary aim is to advance the sector while preserving resources for optimal productivity (BFAR, 2021).

Lastly, Presidential Decree 704 and other laws were enacted to prohibit commercial fishing equipment from seven kilometers from shorelines, impose penalties for activities like dynamite fishing, illegal trade, and explosive possession, establish a 200-mile Exclusive Economic Zone, govern coral resource exploration and conservation, and encourage distant water fishing in the Philippines (BFAR, 2021).

3.2.2 1987 Constitution of the Philippines

As per the Official Gazette (1987), the Philippine Constitution encompasses various stipulations about the significance of the national territory, the overall well-being of the populace, safeguarding the public domain, containing the marine ecosystem and natural

resources, and promoting the welfare of fishers.

Article I - This provision of the Constitution explains that the Philippine national territory includes the archipelago, islands, waters, and other parts with sovereignty or jurisdiction. The internal waters of the archipelago encompass all its dimensions and breadth.

- According to Atienza (2019), it can be determined that the archipelagic baseline of the Philippines was established through the amendment of Republic Act No. 3046, revised in 2009, and is primarily based on the UNCLOS. Critics argue that the law disregards territorial boundaries and relinquishes the country's claim over areas like Sabah. A Supreme Court decided case argued that categorizing Philippine seas as archipelagic allowed maritime transit and aircraft overflight in landward waters, threatening Philippine sovereignty and national security. It affirms the legitimacy of the archipelagic baselines' statute, stating that both UNCLOS and domestic legislation are unrelated to acquiring, expanding, or reducing Philippine territory.

Article II, Section 15 – The Constitution declares that the government must safeguard and advance the populace's entitlement to health and cultivate a sense of awareness regarding health among them.

- Based on research (Atienza, 2019), all Constitutional clauses, including this section, are self-executing, except for broad principles established by regulations and state policies. These require implementing legislation, but some state policies have intrinsic self-executory characteristics, such as regulations and state policies such as the right to a balanced and healthful ecology; promotion and protection of health in Article 2, Section 15; right to information under Article 3, Section 7 and; Filipino First Policy.

Article II, Section 16 provides that the government must safeguard and promote the citizens' entitlement to a well-balanced and sustainable environment by the natural order and equilibrium.

- Under this article, a Supreme Court decided a case establishing that environmental rights can be legally enforced and implemented without further action, a significant legal milestone in the Philippines. The lawsuit was filed for children and future generations, often not recognized as having legal standing. The conventional perspective has seen state programs like environmental rights as non-self-executing,

requiring enabling legislation for legal enactment. The Supreme Court ruled that including the right to a balanced and healthful ecology in the Constitution is unnecessary, as it is inherent and holds significant importance across generations (Atienza, 2019).

Article XII, Section 2 - The proviso of the law explains that the State owns public domain lands, waters, minerals, energy, fisheries, forests, wildlife, and natural resources. It controls exploration, development, and utilization and can negotiate with citizens or corporations. The State also protects marine wealth and permits small-scale utilization and cooperative fish farming.

Article XIII, Section 7 - This law section explains that the State must safeguard subsistence fishermen's rights to use communal marine and fishing resources, including inland and offshore areas. It should likewise provide support through technology, research, finance, production, marketing, and services. The protection extends to offshore fishing grounds, and lastly, fish workers will receive a fair share of their labor.

- This section of Article 13 was an essential inclusion in the 1987 Constitution, which is the requirement to safeguard the rights of subsistence fishermen in accessing and utilizing communal marine and fishing resources. This provision reflects a logical acknowledgment of the fact that the maritime territory of the archipelagic Philippines surpasses its terrestrial area (Chan-Gonzaga, 2018).

3.2.3 An Act to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (Republic Act No. 10654)

The primary objective of Republic Act 8550, modified by Republic Act 10654, was to enforce more stringent measures to prevent, discourage, and eradicate IUU fishing activities. These measures included establishing a system for the registration and licensing of fishers. The document provided a comprehensive overview of novel strategies for the preservation and sustainable management of live marine resources, fisheries, and aquaculture in the Philippines. Lastly, it proposed establishing national and local fisheries institutions (NCWS, 2022).

3.2.4 An Act Establishing the Philippine Coast Guard (PCG) as an Armed and Uniformed Service Attached to the Department of Transportation (DOTr) (Republic Act No. 9993)

The Philippine Coast Guard (PCG) has implemented high seas and territorial waters laws, including preventing illegal entry, fishing, coral collection, smuggling, and marine pollution (Palma, 2006). It also promulgates rules and regulations for marine pollution prevention, assists other government agencies, and enforces fishery laws (Palma, 2006). The PCG is also authorized to include administrative penalties in its rules and regulations and adjudicate maritime pollution cases in all bodies of water within the Philippines' territorial jurisdiction (Environmental Legal Assistance Centre, 2017).

3.2.5 Philippine Clean Water Act (Republic Act 9275)

The legislation aims to enhance water-quality management and protection, preserving fresh, brackish, and marine water quality. It prohibits solid waste and harmful chemical disposal and incentivizes individuals to improve water quality management. Moreover, good water quality is crucial for fisheries productivity and product safety (Coral Triangle Initiative, 2013).

3.2.6 Agriculture and Fisheries Modernization Act (Republic Act 8435)

The policy aims to improve farmers' and fishers' conditions and productivity to meet market demands. It intends to develop the agriculture and fisheries sector into a technology-based, advanced, and competitive industry through support services, human resource development, research, rural employment, trade and fiscal incentives, and general provisions (Department of Agriculture, 2023).

3.2.7 Local Government Code of 1991 [Rights and Responsibilities of LGUs and Offices in the Management and Protection of the Coastal Environment] (Republic Act 7160)

In 1991, the Philippines enacted the Local Government Code, which aimed to foster local development, empower communities, and enhance autonomy at the local level. Implementing this policy has positioned coastal local governments as critical actors in pursuing sustainable resource management and redistributing decision-making power to provincial and municipal administrations. Furthermore, the Code facilitated the extension of jurisdiction over urban water bodies. It authorized the establishment of jobs for Environment and Natural Resources Officers within local government units, including municipalities, cities, and provinces (Balgos & Pagdilao, 2002).

In addition, coastline resource management is crucial for local administrations and municipalities to collaborate to manage ecosystems. The Philippine Fisheries Code of 1998 and the Agriculture and Fisheries Modernization Act of 1997 modernized fisheries laws, addressing public demand for better management (Coastal Resources Centre, 2018).

3.3 IUU Fishing Issues in the Philippines: Through the Years

According to Flores (2004), the fundamental cause of overfishing in the Philippines is the country's rich marine biodiversity and thriving fisheries sector. Contrarily, the practice of IUU fishing hinders the attainment of long-term sustainability within fishing obligations. Based on the US Agency for International Development (USAID) findings, the Philippines incurred an estimated yearly loss of around 68 billion Pesos in 2019 due to IUU fishing activities. As a result, the United States government initiated the Fish Right Project to address the fish biomass in the Philippine seas and implement effective governance measures for sustainable fisheries and marine conservation (FAO, 2020).

3.3.1 Issuance of Yellow Card by the European Union

It was earlier mentioned that FAO established the IPOA-IUU in 2001. With this, the Philippines imposed four Closed Seasons in the Visayan Sea, Davao Gulf, Zamboanga Peninsula, and Northeastern Palawan as part of its global commitment to combat IUU fishing starting in 2011. Despite these efforts, IUU fishing became more prevalent in 2013. Hence, the country enacted its version of NPOA against IUU fishing (Executive Order 154) based on the responsible fisheries code of conduct framework (Coastal Resources Centre, 2018).

On the other hand, according to the 2010 EU Regulation (carding procedure), it is mandated that third countries are permitted to export fish to the European Union (EU) only if they furnish flags for import vessels; therefore, ensuring adherence to international fisheries management standards (see Figure 9). Failure to adhere to these requirements might result in measures that may expel the products from the EU (European Commission, 2015).

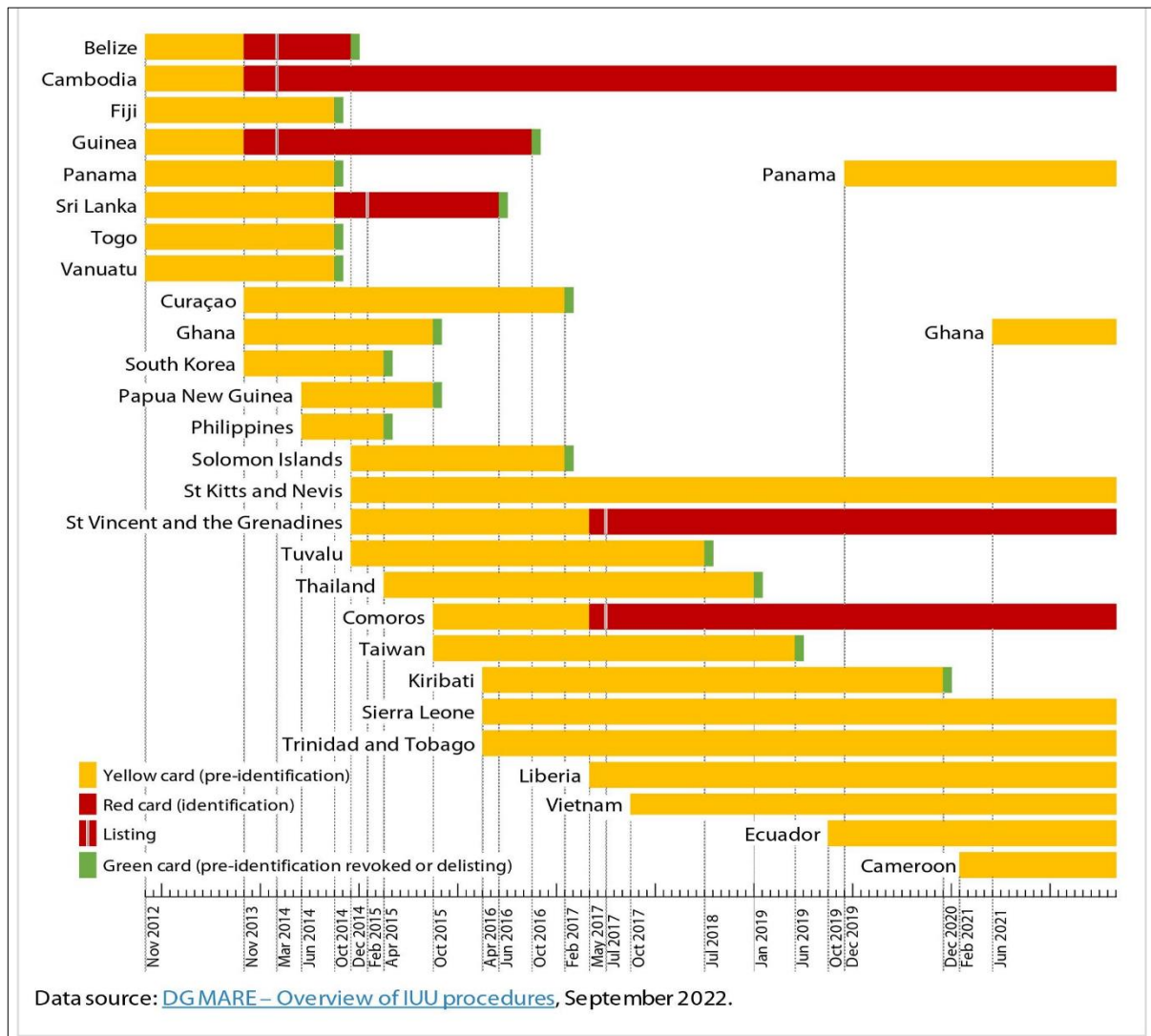


Figure 9. Overview of Carding Procedures

Source: DGMARE-Overview of IUU Procedures- September 2022

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614598/EPRS_BRI\(2017\)614598_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614598/EPRS_BRI(2017)614598_EN.pdf)

In this case, the EU issued a formal warning, commonly called a Yellow Card, to the Philippines due to its non-compliance with international commitments about preventing illegal fishing and enhancing fisheries management and conservation strategies in 2014. The Philippines and Korea were once classified as non-cooperating states in the global efforts to combat illegal fishing (see Figure 10). Consequently, the country began a proactive approach

towards fulfilling its international responsibilities to be removed from the list (European Commission, 2015).

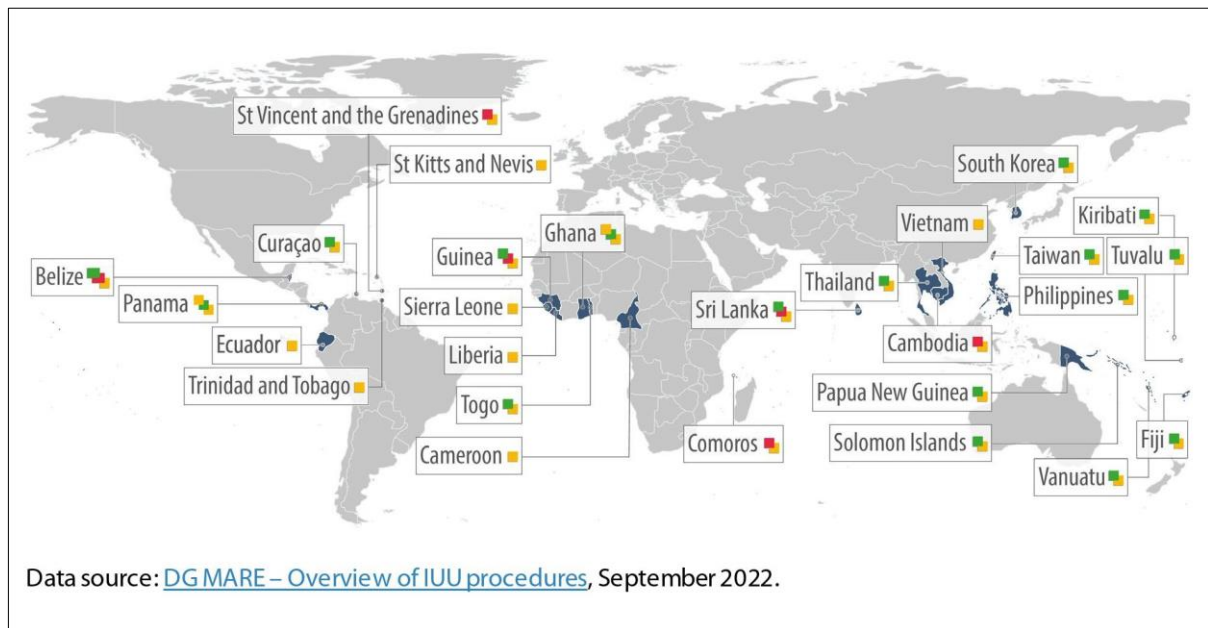


Figure 10. Location of the countries pre-identified and identified as non-cooperating.

Source: DGMARE-Overview of IUU Procedures- September 2022

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614598/EPRS_BRI\(2017\)614598_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614598/EPRS_BRI(2017)614598_EN.pdf)

By ratifying the UNFSA and initiating procedures to confirm the Port States Measures Agreement (PSMA), the Philippines made substantial modifications to its legal framework. In addition, the following initiatives were institutionalized: adoption of new traceability rules to ensure control over fish products along the supply chain; implementation of domestic legislation to implement RFMO conservation and management measures; establishment of the electronic licensing system; improved cooperation with neighboring countries in combating IUU activities; and ensuring that fishing vessels regulated by WCPE, IOTC, and ICCAT RFMOs together with national fishing vessels complying with international regulations (Official Gazette, 2015b). In 2015, RA 10654 was enacted as a law against IUU fishing consistent with the IPOA and NPOA.

3.3.2 Challenges at the Municipal Fishing Level

Municipal waters in the Philippines are defined as waters in the coastal area within fifteen kilometers of the coastline (Official Gazette, 1991). Accordingly, vessels weighing three gross tons or less can operate in municipal waters. On the other hand, commercial fisheries relate to fishers operating vessels in offshore seas constrained to areas outside local waters or

beyond fifteen kilometers from the shoreline (Palma, 2006). There were sometimes scenarios in which domestic or foreign vessels were a substantial source of IUU fishing, or both foreign and local IUU fishing vessels had severe difficulties (Fujii et al., 2021).

It is common knowledge that IUU fishing poses a hazard to the sustainability of global fisheries in national coastal waters at sea (SEAFDEC, 2015). Aside from edible fish, live fish (for aquarium and ornamental use), corals, and pebbles were illegally harvested in municipal waters. Accordingly, there are several reasons behind the attraction of IUU fishing activities in the country. Specifically, BFAR highlights the importance of commercially valuable fish species, productive marine habitats, and the area of municipal waters allocated to local government units (LGUs) in implementing effective maritime enforcement operations. Adverse weather and challenging sea conditions can also hinder these operations outside municipal waters (BFAR, 2022).

Conversely, the National Coast Watch Council Secretariat (2022) further enumerated three factors that were considered as the leading perceived causes of increased risk of IUU fishing in a given area: (1) lack and inadequate sources of income, (2) lax enforcement, and (3) limited information on fishery regulations, fisheries, and coastal resources.

According to BFAR, the Philippines' NPOA-IUU states that IUU fishing is believed to be widespread in the country, but its actual extent is unknown. With this, BFAR (2023) contemplates that the usual metrics used to monitor IUU fishing reduction efforts focus on outputs like the number of patrols, arrests, and cases filed and resolved (see Figure 11). However, these measures must provide a complete picture of IUU fishing and its impacts. Other measures, like remote sensing/satellite data [such as data from Visible Infrared Imaging Radiometer Suite (VIIRS) boat detection, AIS, and anonymous reports only provide a partial view of IUU fishing occurrences and incidences (BFAR,2022).

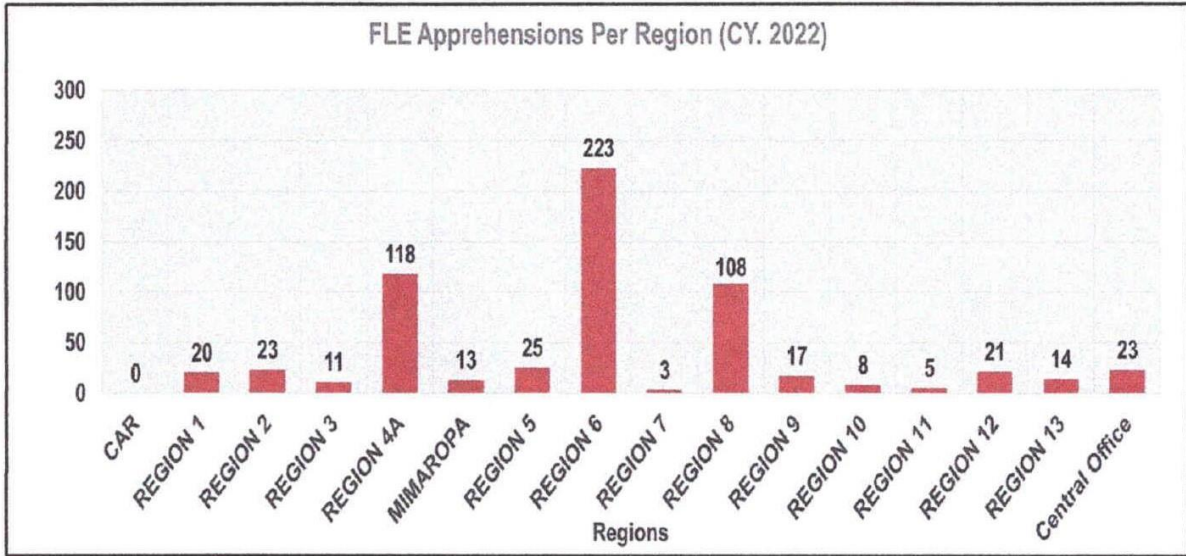


Figure 11. Fishery Law Enforcement Apprehensions Per Region (CY 2022)
 Source: Bureau of Fisheries and Aquatic Resources. (2023). FLE Apprehensions Per Region (CY.2022).

3.3.3 Delay in the Implementation of a Fisheries Order

In 2020, the BFAR issued fisheries administrative orders directing commercial catcher fishing vessels in Philippine waters to monitor ship measures. These orders require the installation of a Vessel Monitoring System (VMS) for all commercial fishing vessels the Philippine government authorizes for international sea operations and fishing in EEZs, granting privileges for fishing activities (FAO, 2018a). It was claimed that VMS is a successful technique for monitoring fishing operations in municipal waters within 15 kilometers, aiding fisheries management (OCEANA, 2023b).

Conversely, FAO (2018a) further added that all catcher vessels 30 GT and above operating in international waters or with access rights to fish in other coastal states and fishing in the Philippine EEZ are mandated to maintain an Electronic Reporting System (ERS), which will communicate to the VMS transceiver and transmit fishery information to BFAR. For all other vessels, onboard and port ERS systems must be implemented to capture and report harvest data electronically.

As a prerequisite for registration or license renewal, all commercial fishing vessels must also obtain a certification attesting that an accredited Automatic Location Communicator (ALC) has been installed and verified to be completely operational by the DA-BFAR and that the vessel complies with all applicable environmental regulations. Accordingly, the deployed ALC unit can be accredited and certified, meeting the DA-BFAR's minimum requirements (FAO, 2018a).

Last February 2, 2023, BFAR issued Order 266, calling for the swift implementation of the rules. The Office of the Solicitor General (OSG) fully supported the execution of the FAO with its recommendations on its constitutionality (Manila Bulletin, 2023; OCEANA, 2023). However, the Office of the Executive Secretary (OES) issued a memorandum seeking to suspend Order 266's implementation last March 13, 2023. The directive is founded on the legal principle “*ex abundanti cautela*” (from an abundance of caring) and awaits the Supreme Court's decision. It focused on the code of reverence for the three branches of government, as the Supreme Court has yet to rule on the legality of Order 266 (Manila Bulletin, 2023; OCEANA, 2023).

As a result of the suspension, OCEANA, an international NGO involved in the protection of the ocean, protested the rest of Order 266 on behalf of the fisherfolk on the following contentious issues, namely: regressive and contradicts the amended Fisheries Code and international conventions; violative of the IPOA-IUU which promotes sustainable fishing procedures through registration and monitoring of fishing vessels; incoherent with UNCLOS under Article 94 which calls for the member-States to implement actions in ensuring its jurisdiction and control over fishing vessels (OCEANA, 2023).

Moreover, the postponement of its execution was alleged to be inconsistent with the commitment of the Philippines under international conventions; contravened the UN FAO under Article 11(1) (11) about the proper execution of suitable actions in guaranteeing the traceability of fish and fisheries products; infringement of the Executive Department in the rightful implementation of laws and; an impediment in exercising an efficient implement in allowing the examination of illegal fishing by the maritime law enforcers (OCEANA, 2023a).

Days before the State of the Nation (SONA) address, the fisherfolk group and OCEANA hailed the June 2023 directive of the President of the Philippines, His Excellency Ferdinand Romualdez Marcos Jr., to the Department of Agriculture (DA) and its attached agency, BFAR, to closely collaborate with the OES in drafting the guidelines relating to the implementation of FAO 266, series of 2020 regarding the mandatory installation of VMS (OCEANA, 2023).

However, on July 24, 2023, the President of the Philippines instead moved to amend the Fisheries Code, given the urgent issues in addressing IUU fishing in the country. As a result, the fishery parties and OCEANA vigorously opposed this proposal for the following reasons:

Firstly, it is essential to acknowledge that a compulsory evaluation to appraise current legislation occasionally necessitates prompt modifications. The mandatory investigation aims to develop a process for assessing current legislation's efficacy, pertinence, and

consequences. According to Section 127 of RA 8550, as modified by RA 10654, it is stipulated that the Philippine Congress is required to conduct a periodic review of the Fisheries Code, with a minimum frequency of once every five years. OCEANA (2023) asserts that BFAR should have made more efforts to conduct a comprehensive evaluation or assessment of a system to gauge the efficacy, impact, and relevance of current legislation.

Secondly, the current fisheries regulations are still adaptable to changing conditions. According to OCEANA, the Fisheries Management Area takes a science-based, participatory, and transparent approach to managing fisheries resources sustainably. Conversely, the Vessel Monitoring System (VMS) enforces and monitors fishing activities transparently and traceably.

Thirdly, it is imperative to include relevant authorities such as the Department of Interior and Local Government (DILG) in consultative sessions. Additionally, the presentation of technical maps and the invitation of technical experts are deemed necessary. Public consultation plays a crucial role in democratic administration as a fundamental element of the due process safeguarded by the Philippine Constitution.

Fourthly, the proposed revision of the Fisheries Code is received with considerable opposition from the fisheries group due to concerns that it primarily seeks to permit commercial fishing inside the fifteen (15) kilometer radius of municipal fishing grounds, which are now designated exclusively for subsistence fisherfolks. According to their assertion, a commercial fishing vessel can extract at least three (3) metric tons of fish during a single expedition. This places them at an advantage over small-scale fishermen, primarily engaged in subsistence fishing, residing in coastal communities. They typically get an average of five (5) kilograms of fish daily (Mayuga, 2023).

With this, OCEANA (2023) warns that proposed revisions could harm subsistence fisherfolk's rights to use local marine resources in municipal waters and compromise the State's responsibility to protect marine richness. Furthermore, the amendment cannot anticipate and prevent the depletion of significant fishing grounds, potentially impacting various fishing industries. Scientifically grounded legislation is crucial for all sectors of the fisheries industry.

3.3.4 Safety and Security of the Fisherfolk

In 2020, it is predicted that the fisheries and aquaculture sector will serve as the principal source of employment for around 58.5 million individuals globally. According to FAO (2022),

the fishing and aquaculture industries support an estimated population of 600 million individuals, taking into account their dependents. According to Widjaja et al. (2020), while accounting for just 30% of global fish captures, small-scale fishermen constitute 90% of the total workforce in the fishing industry and consume 90% to 95% of their catch within local communities.

This phenomenon significantly harms marine ecosystems and represents a security danger. Depriving small-scale fishers of their essential resources might potentially catalyze those engaging in unlawful activities, including piracy. Moreover, engaging in unauthorized fishing activities is often linked to human rights infringements and forced labor, notably within the geographical region of Southeast Asia (World Ocean Review, 2021).

According to the 2015 Trafficking in Persons (TIP) Report published by the United States Government, the Philippines has been classified as Tier 2. The nation in question has been officially recognized as a country that serves as a source, destination, and transit point for individuals of all genders and ages who have become victims of sex trafficking and forced labor. Based on the research, it is anticipated that over 10 million individuals from the Philippines will engage in international migration to seek economic opportunities. Unfortunately, many migrants are exposed to exploitative practices such as sex trafficking and forced labor, especially in fisheries (US Department of State, 2015).

IUU fishing has also been linked to poverty, as Lauraya (2010) discussed. Alvarico et al. (2021) conducted a study that delved into the narratives of Filipino fishers regarding their engagement in illegal fishing practices, as well as the socio-economic and cultural factors that contributed to the prevalence of destructive fisheries in the coastal regions of Misamis Oriental, Northern Mindanao. Based on their research, illegal fishing has facilitated increased productivity for fishers, enabling them to better support their families by meeting their vital requirements. This is mainly attributed to a twofold increase in the catch, resulting in higher earnings and the ability to afford medical treatment for sick family members. Hence, the excessive dependence on fishing as a primary source of income and the insufficient yield of fish by the fishing communities are factors that contribute to severe poverty in coastal regions (Anticamara & Go, 2016).

Despite meeting the essential obligations, the national government failed to disclose instances of labor trafficking in the Philippines adequately and neglected to equip labor inspectors with the necessary knowledge and skills to identify symptoms of human trafficking. Furthermore, observers have noted the government's inadequate allocation of financial resources and

personnel to the labor inspectorate (Information Fusion Centre, 2023b).

Additionally, the government failed to provide information regarding the training of labor inspectors in recognizing indicators of trafficking. These factors impeded the government's ability to effectively identify potential cases of forced labor. It is argued that the government should have emphasized the acknowledgment of coerced labor occurring on fishing vessels while also allocating a disproportionately small number of inspectors dedicated explicitly to conducting inspections on those vessels (Information Fusion Centre, 2023b).

As a result, fishers are commonly subject to oversight, surveillance, and regulation like other regulated economic actors. Enforcement constitutes a substantial portion of the financial resources allocated to fisheries management programs, often ranging from 25 to 50 percent of total costs (see Figure 12). Hence, it is imperative to enhance compliance with rules since this presents a substantial risk to the efficacy of management (Sutinen et al., 1990; Sutinen, 1993).

Months	PATROL OPERATION		APPREHENSIONS
	LAND-BASED	SEABORNE	
January	100	82	37
February	214	207	75
March	215	240	82
April	237	185	58
May	183	183	60
June	240	190	64
July	214	198	69
August	212	217	53
September	222	150	41
October	154	167	38
November	178	151	46
December	118	145	9
TOTAL	2,287	2,115	632

Figure 12. Fishery Law Enforcement Operations from January to December 2022

Source: Bureau of Fishery and Aquatic Resources. (2023). FLE Law Enforcement Operations from January to December 2022.

3.4 Schemes against IUU Fishing

The revision of the Fisheries Code encompassed many regulations that the government implemented to combat IUU fishing activities. The enhancements above were formally documented, namely:

3.4.1 The Implementation of Vessel Monitoring Measures

Lee and Viswanathan (2020) presuppose that using technological tools like vessel monitoring systems in fisheries management can increase the financial burden of illegal fishing operators. This enhances their vulnerability and increases their chances of being apprehended at sea. Detecting and monitoring illegal fishing activities can help stop IUU fishing operations. As a result, the legislation requires all fishing vessels listed to be equipped with tamper-proof vessel monitoring systems (Esenilla, 2019).

3.4.2 The imposition of stringent reporting obligations

Co-management strategies play a crucial role in effectively tackling the issue of IUU fishing. Accordingly, fisheries co-management refers to the collaborative approach in which fisheries' governance and operational responsibilities are shared between governmental entities and local fishing communities. To resolve conflicts, co-management is a viable alternative to centralized command and control fisheries management (Lee & Viswanathan, 2020). Accordingly, the revised Code now enforces punitive and regulatory measures by penalizing fishing vessels for not providing the required data or information to the BFAR within the designated timeframe (Esenilla, 2019).

3.4.3 Adjusting the penalty scale according to the infringement of legislative statutes

Legislators used a more deliberate strategy in determining the activities that should be proscribed to effectively address the issue of IUU fishing. Consequently, they significantly intensified the punitive measures imposed by the criminal justice system and the administrative sanctions associated with such transgressions (Esenilla, 2019).

3.4.4 The implementation of rigorous harvest control regulations

The revised legislation implemented harvest control regulations that would be activated upon violating specific limit reference points. The subject matter includes assessing prioritized access for license renewal, the declaration of a period of restricted fishing, and the potential imposition of restrictions on fishing activity within specific fishing grounds or areas managed for fisheries (Esenilla, 2019).

3.4.5 Accession to Port State Measures Agreement

The Agreement on Port State Measures (PSMA) is a global agreement to combat IUU fishing by restricting vessel access and offloading of catches, reducing motivation for vessels to

continue operations, and preventing the distribution of fisheries goods. Successful execution promotes responsible utilization of marine biodiversity and ecosystems across different states (FAO, 2019a). The country's accession to the accords has resulted in its participation in achieving the United Nations' SDGs, particularly SDG 14. This goal focuses on the conservation and sustainable utilization of oceans, seas, and marine resources for sustainable development (OCEANA, 2018).

Chapter 4

Domestic Regulatory Adjustments in the Philippines

This chapter analyses the challenges and concerns that impact fisheries regulations, explicitly focusing on assessing their enforcement. Additionally, it seeks to understand the underlying reasons for the persistent occurrence of IUU in the Philippine waters.

4.1 Identifying Gaps in the Implementation of the Philippine Fisheries Laws

The present research revealed certain discrepancies in knowledge about IUU fishing activities in the Philippines.

4.1.1 Lack of Extensive Local Fisheries Regulations

The peril of IUU fishing poses threats to the LGUs. According to BFAR (2022), multiple violations of the Philippine Fisheries Code are committed in the LGUs, including using active fishing gear or fine mesh netting in municipal waters, in which the latter is the most common means of IUU fishing. Even so, current policies and legislation appear adequate in responding to municipal fisheries registration and licensing objectives. These findings were confirmed by a study conducted in collaboration with the USAID by the Resources, Environment, and Economics Centre for Studies, Inc. (BFAR, 2022). Nevertheless, it was widely understood that faithful implementation remains to be the biggest challenge in IUU fishing.

4.1.2 Challenge in the Recordkeeping of Municipal Fishing Vessels

According to the report of the National Coast Watch Council Secretariat (2022), the local execution of RA 8550's license and registration requirements has also been heavily contested. Municipal registration and licensing have been restricted to varied degrees and have remained weak due to the lack of equivalent enabling municipal laws at the local level and policies at the national level. With this, the Secretariat explicitly enumerated the following issues in enforcing registration and licensing: the lack of a license limit, prohibitive fees, and unnecessary requirements hinder the regulation of overfished fisheries. Hence, technical capacity needs to be improved.

Furthermore, it is imperative to foster a greater sense of recognition for the importance of coastal resource management while also acknowledging the potential consequences of alienating political constituencies residing in coastal regions. Therefore, there is a correlation between inadequate registration and licensing and heightened levels of illegal fishing, recidivism, and acts of violence in some places. Besides, there is an increased frequency of reported fishing intrusions in regions characterized by intricate physical configurations and

many islands. These places are particularly hard for seaborne operations due to adverse weather conditions and demanding oceanic circumstances (BFAR, 2022).

4.1.3 Socio-Cultural Placement and Standing of Municipal Fishers

Most IUU fishing is conducted by local fishers for municipal and commercial purposes (BFAR, 2022). The National Coast Watch Council Secretariat (2022) reported that RA 8550 mandates annual updates for registering municipal fishers and vessels. LGUs provide vessel details and gear. Fisheries and Aquatic Resources and Management Councils (FARMCs) help with this process.

However, town registration does not follow standardized norms, with some localities requiring fishers to register with the "Barangay Council" before applying at the Municipal Agriculturist Office (MAO). This lack of coordination among authorities leads to fishers being discouraged from completing registration processes.

The National Coast Watch Council Secretariat (2022) reported that the State may be partly responsible for the lack of a standardized format for fishers' registration forms, as LGUs use either authorized forms from NGOs or those approved by BFAR. Therefore, accessing documents is difficult due to the presence of digitalized and printed formats.

On the other hand, traditional fishers and groups' notion that fisheries are open to everybody impedes their registration and licensing program involvement. Fear of being barred from future fishing also motivates them to reject any move to limit fishers' access (National Coast Watch Council Secretariat, 2022).

The findings reinforce the premise that IUU fishing is a highly complicated issue that must be understood as a result or symptom of other causes, such as socio-political, economic, and cultural concerns. Accordingly, it demonstrates that IUU fishing is a multifaceted problem that requires cooperation and active engagement from various organizations and stakeholders not directly involved in fisheries (BFAR, 2020).

4.1.4 Existence of Distant Water Fishing Fleets

Distant Water Fishing (DWF) fleets operate in remote waters and are linked to IUU fishing. They often need proper oversight, negligence, or conspiracy from their flag states. Governments support DWF fleets financially, reducing fishing expenses and encouraging unsustainable methods. Predatory governments may exploit these fleets to exploit governance vulnerabilities and subvert maritime order, causing harm to the environment and

the maritime order (US Coast Guard, 2020).

4.1.5 Limitation of Monitoring, Control and Surveillance (MCS) Operations

The ASEAN region's lack of effective MCS measures worsens illegal fishing, mainly due to high enforcement costs, which account for 25-50% of government fisheries management expenditure. Despite this, allocating resources toward enforcement initiatives is modest (Lee & Viswanathan, 2020).

Accordingly, the prevalence of illegal fishing in the Philippines can be attributed to insufficient equipment and fisheries officers to effectively monitor and regulate fishing activities in municipal seas (Alangilan, 2015). Consequently, the operators of illegal fishing vessels can evade substantial penalties using advanced fishing equipment that shields them from discovery. According to Lee and Viswanathan (2020), unauthorized fishing vessels remain uncaught.

As a result, USAID and the U.S. Department of the Interior supported BFAR in training 700 new fisheries law enforcement officers to combat IUU fishing activities. The training will use the Fishery Law Enforcement Training module and the Bureau's Fisheries Law Enforcement Management Information technology. The International Technical Assistance Program aims to improve coordination and streamline efforts in investigating and prosecuting environmental crimes related to illegal fishing (USAID, 2023).

Moreover, cooperation between law enforcement agencies can also be facilitated through various channels, including direct contacts, deployment of police liaison personnel, prevention initiatives, information-sharing, joint investigations, and engagement with international organizations like INTERPOL. Informal cooperation, including unofficial interactions, may be permissible in legal proceedings (INTERPOL, 2018).

4.2 Analysis of the Implementation of Philippine Laws and Policies

Based on the above arguments, it can be inferred that the Philippines has an adequate legislation framework regarding fishing regulations. From a fair and objective standpoint, the national government has successfully upheld its international obligation to safeguard and maintain the maritime environment. The Philippines has also implemented meticulously designed laws to address the issue of IUU fishing to enhance the country's cultural heritage and economy. The following section examines many significant fisheries regulations, highlighting the abundance of legislation and policies implemented by the government to

combat IUU fishing.

4.2.1 Magnitude of the Fisheries Code

One of the significant provisions of the Fisheries Code is Section 65 of RA 10654. It grants the DA-BFAR authority to implement legislation, develop guidelines, and enforce fisheries resource preservation and administration regulations. The DA-BFAR resolves resource utilization and distribution disputes, working collaboratively with national and local management councils and LGUs. The DA is also authorized to enforce administrative fines and penalties, establish guidelines for handling confiscated fish, gear, and equipment, and issue subpoenas (Environmental Legal Assistance Centre, 2017).

Under 131.1 of the Implementing Rules and Regulations (IRR) of the Fisheries Code, administrative action is initiated when a verified complaint is submitted to the Adjudication Committee via the Secretariat, and law enforcement officers must file it promptly. Before starting a criminal proceeding, an offense may be resolved by an administrative settlement arrangement, entailing a minimum penalty amounting to 30% of the potential liability that might be imposed. Upon submitting an answer or reply pleading, the ensuing penalty must not surpass 50% of the sentence that could be imposed. Individuals can use entitlement to administrative settlement twice within three years, as determined by the Adjudication Committee. In addition, Section 132 states that the Department can issue cease and desist orders to violators and promptly remove, without the need for a judicial order, individuals holding Forest Land Agreements (FLAs), other forms of tenurial instruments, permits, or licenses from public domain areas that are covered by said FLAs, tenurial tools, tickets, or rights. The requirements of administrative due process will carry out these actions.

Section 133 outlines the actions available for fishery law violations. Accordingly, the BFAR Director can issue a notice and confiscate illegally caught or gathered fish, fishery species, or aquatic resources. Hence, all equipment, paraphernalia, and gear will be seized and transferred to relevant departments or LGUs. Likewise, Section 134 enunciates that Municipal and Regional Trial Courts cannot issue injunctions or restraining orders against the Department and BFAR based on ex parte motions or petitions, ensuring compliance with Code provisions.

Furthermore, Section 135 provides that the Adjudication Committee can impose supplementary penalties for severe infractions, such as the confiscation of fishing equipment, impoundment of vessels, suspension or revocation of licenses, bans on duty and tax rebates,

inclusion in the IUU fishing vessel list, denial of entry, block listing, and augmentation of the offered catch value. Instances of noncompliance occurring on many occasions over five years may lead to escalated penalties.

4.2.2 Dilemma of the Local Government Units (LGUs)

The LGU has the authority to use administrative regulations, as per RA 10654, to efficiently administer fishing resources within their jurisdiction. The Local Government Code of 1991 grants LGUs the power to promulgate administrative rules, facilitating the execution of ordinances by providing administrative details. Adhering to a broad interpretation of legislation is crucial for effectively discharging responsibilities. Moreover, Section 16 of RA 10654 grants municipal/city government control over waterways, enabling them to establish laws in collaboration with the Fisheries and Aquatic Resources Management Council (FARMC). The present inquiry pertains to delineating the responsibilities and rights of LGUs in managing and governing municipal water resources, as stipulated in Republic Act 10654, as interpreted and composed by the researcher (see Table 2).

Mandates/Rights	Legal Basis
Closed seasons should be established for conservation and ecological reasons (only inside municipal waterways).	Section 9
Create supplementary invoices for fish and fisheries goods carried from the municipality.	Section 15
Adopt suitable regulations for local water management in line with the National Fisheries Policy (municipal ordinances are subject to approval by the province's Sanggunian).	Section 16
Give preference to properly registered fisherfolk organizations and cooperatives when granting fishing rights.	Section 17
Keep track of the municipal fishing vessels and fishermen who fish or want to fish in municipal waters by gear type so that priorities may be set, access can be restricted, and fisheries activities can be monitored.	Section 19
Grant delineated fisheries rights to fishery organizations/cooperatives for mariculture operations in DA-identified regions.	Section 22
Declare a fisheries area overfished and restrict or limit fishing activity (only inside municipal waters)	Section 23
Establish zones inside municipal waterways where fish pens, cages, traps, and other buildings for fish culture may be built and operated, and issue licenses for these facilities.	Section 51

Award pearl farm leases	Section 52
Make post-harvest amenities available to fishing communities.	Section 59
Recommend to DA the designation of a part of municipal waterways as fisheries reserves for unique or limited usage, educational, scientific, or unique management objectives.	Section 80
Create fish sanctuaries and refuges.	Section 81
Adopt a basic Municipal Fisheries Ordinance (MFO) that defines the borders of municipal waterways and establishes rules and regulations for licensing, permit issuing, and other fisheries operations.	Rule 16.1, DA AO No. 10 s. 2015 (IRR of RA 10654)

Table 2. Rights and Responsibilities of LGU over Municipal Water (RA 10654)

Source: Environmental Legal Assistance Centre. (2017). Mending Nets: A Handbook on the Prosecution of Fishery and Coastal Law Violations. https://pdf.usaid.gov/pdf_docs/PA00MVHR.pdf
 Author composition

However, the challenge of IUU fishing is commonly located in far-flung provinces. According to Dalzell and Ganaden (1987), regions far from law enforcement agencies have higher instances of engaging in damaging fishing practices. In part, the predominance of destructive fishing practices can be attributed to inadequate law enforcement measures (Barber & Pratt, 1998).

Furthermore, it is essential to note that national laws and regulations are enforced uniformly across the whole nation, whereas local ordinances are enforced explicitly inside individual municipalities (see Figure 14). As stated earlier, the rules need to be more enforced and, therefore, be rightfully implemented. According to Lauraya et al. (2010), the absence of thorough inquiry conducted by the governing body results in a decline in the level of engagement and support for the concerns raised by the individuals within the local administrative jurisdiction.

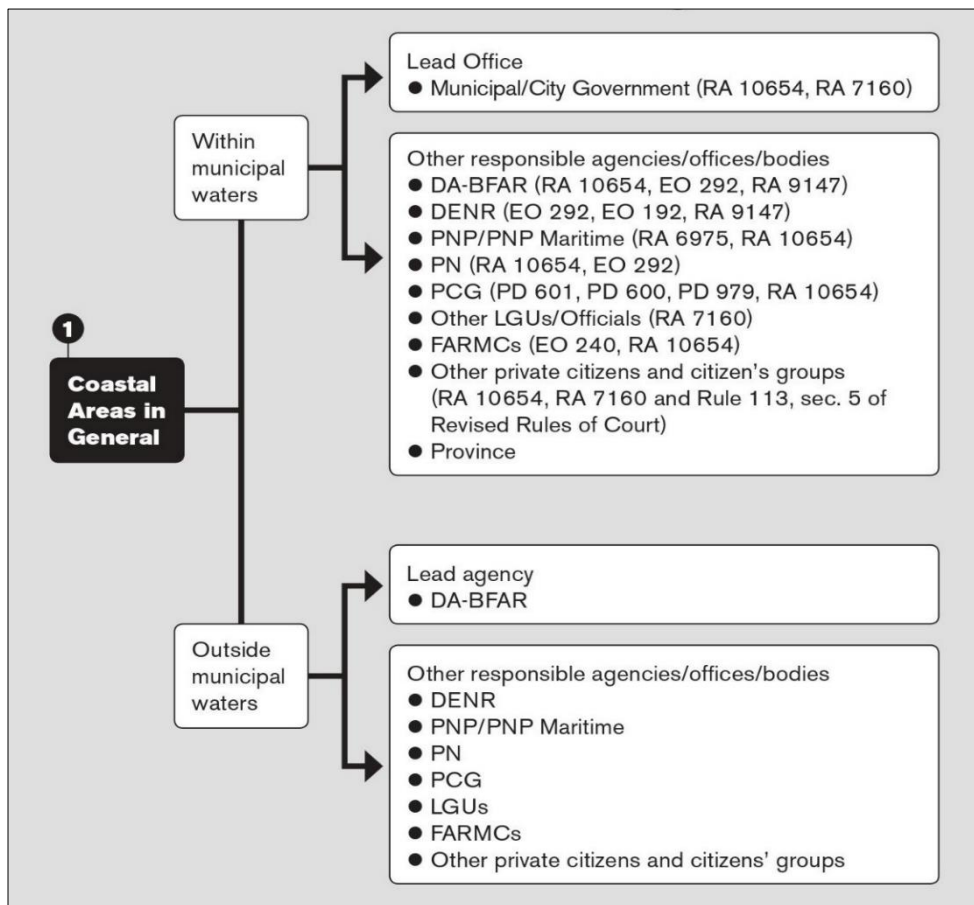


Figure 13. Mandates for Coastal Areas in general

Source: Mending Nets 3rd Edition, 2017 (https://pdf.usaid.gov/pdf_docs/PA00MVHR.pdf).

Nevertheless, successful execution necessitates diligent implementation and rigorous enforcement. According to Dalabajan (2005), using law enforcement measures can be an effective strategy for managing and mitigating the extensive practice of destructive fishing in the Philippines. The government encourages collaborations between individuals, NGOs, and public officials with local governments to promote regional autonomy and facilitate essential services like environmental protection and coastal law enforcement (USAID, 2023).

One crucial initiative currently implemented by the government is creating a group called the Fish Wardens (Bantay Dagat). Establishing the group of Fish Wardens, or Bantay Dagat, is a crucial government initiative. These individuals are affiliated with fisherfolk groups and have law enforcement training. They can be appointed as deputy fish wardens by the Department of Agriculture, and the Local Government Code allows municipalities and cities to establish private individuals as fish wardens and community paralegals (Environmental Legal Assistance Centre, 2017).

Hence, such an approach promises to facilitate the region's restoration and revitalization of damaged maritime ecosystems. To improve its enforcement ability and ensure widespread understanding and compliance with fisheries regulations, it is imperative to thoroughly update the existing mechanisms and facilitate the broader distribution of these laws to all relevant players. The situation could be resolved without requiring any amendments to the Code. Furthermore, the national government, NGOs, and the fisherfolk collectively contribute significantly to enhancing the well-being of the Filipino population. Authorities have likewise suggested that employing a fishing strategy wherein a single fish species is targeted at a certain period may contribute to other marine species' preservation and sustainable development.

Lastly, collaborative efforts are necessary to implement corrective measures to mitigate marine resource exploitation. It is crucial to emphasize the significance of intense collaboration and partnership across government agencies to reduce the invasion of mandates and ensure clear demarcation of duties. The primary objective of this endeavor is to cater to the needs and desires of the current generation while ensuring that future generations can benefit from the resources and opportunities provided by planet Earth.

4.3 Analysis of Legal Strategy to Tackle IUU Fishing

Most states adopt a dual enforcement approach encompassing administrative and criminal procedures and imposing punishments for instances of illegal fishing (Kuemlangan et al., 2023). One of the countries observing such a methodology is the Philippines. Accordingly, this does not necessarily imply that both systems are employed in practical application. The studied fisheries legislation does have provisions that permit the utilization of both methods. The fisheries legislation allows for criminal investigation, prosecution, and adjudication of offenses under its purview. Offenders can pursue an administrative settlement before court proceedings. Transaction payments must be made within specified dates, and failure to comply may lead to legal proceedings.

For example, IUU fishing has been established as a new legal violation in foreign high seas and coastal waters. Poaching remains a criminal offense and is subject to thorough legal prosecution. The Fisheries Code offers two remedies to address poaching: criminal and administrative. The administrative remedy has been strengthened by granting the Department of Agriculture (DA) the power to seize foreign fishing vessels and their gear and equipment and impose fines until the administrative penalty is fully paid. In the case of minor offenses,

the Fisheries Code has implemented additional measures, such as administrative penalties, which include fines, boat and equipment seizures, permit cancellations, and community service.

Moreover, penalties have been significantly increased to a maximum of 45 million Philippine Pesos for individuals engaged in commercial fishing violations and 2.4 million Philippine Pesos for those involved in poaching activities. Furthermore, the MCS system on all designated Philippine fishing vessels was also emphasized. This system aims to facilitate the detection of unauthorized commercial vessels operating within Philippine waters. Additionally, it underscored that any deliberate interference, deactivation, or disabling of the vessel monitoring system should be deemed unlawful (OCEANA, 2015).

4.4 Best Practices of Other ASEAN Countries

This research delves into the disparities between Indonesia and Vietnam at the national level, with a particular emphasis on their marine catch productivity and the issue of IUU fishing. The selection of these two nations is based on their similarity to the Philippines in terms of possessing research-rich waterways and being in a similar geographical area. The impact of organized criminal entities on Indonesia has resulted in the depletion and degradation of fish reserves. Meanwhile, Thailand frequently finds itself in the dual role of being a recipient and victim of IUU fishing, as many vessels engage in transnational operations. As a result, both countries are motivated to comply with international fishing agreements.

4.4.1 Indonesia

Indonesia and the Philippines are the two largest archipelagic nations worldwide, with over 25,000 islands between them (Angeles & Mendoza-Dreisbach, 2020). These states were endowed with abundant marine natural resources, causing them to be recognized as prominent centers of global marine biodiversity. FAO (2020) ranked Indonesia as the third-largest marine capture fisheries producer, behind China and Peru. However, the country faces significant obstacles because of domestic and international IUU fishing vessels. In Indonesia, illegal fishing, license restrictions, and trawling have been documented (Sodik, 2009; McWilliam et al., 2021). In addition, Chinese fishing vessels' involvement in territorial disputes between China and Indonesia stems from their frequent presence in Indonesia's EEZ, which overlaps with China's nine-dash line (Meyer et al., 2019).

The Philippines and Indonesia may employ distinct strategies to protect their fishery industries. However, it is essential to observe that both parties share common interests in producing and

consuming fish for human consumption. Based on scholarly research conducted by Barclay (2012) and Gutti et al. (2012), it has been demonstrated that individuals who engage in fishing activities in archipelagic nations firmly prefer to pursue employment in the fishery sector as their primary source of income. Nonetheless, the level of fish consumption among its population may vary.

The Philippines is recognized as a nation with significant consumption of fisheries products. Filipinos and Indonesians have an insatiable appetite for fish, viewing it as an indispensable part of their diets (FAO, 2015). Fish-derived fatty acids are essential for children's cognitive development, muscular growth, and cardiovascular health (Barclay & Kinch, 2013; McCormack & Barclay, 2013). In Indonesia, however, the situation may be different because certain fish species are exported while the remainder is of inferior quality (FAO, 2020).

It is impossible to exaggerate the importance of national government agencies in protecting marine resources and improving the quality of life for the Filipino people. Based on Flores's (2004) study, BFAR has been tasked with instituting policies that prioritize the well-being of individuals within fishing communities to facilitate the revenue generation of their respective populations. In addition, BFAR regulates commercial fishing activities, including permit issuance (Alesna et al., 2004).

Conversely, Indonesia implemented two significant initiatives in response to the issue of IUU fishing: the Indonesia Maritime Security Agency in 2014 and the Indonesian Maritime Information Centre (IMIC) in 2020. Nonetheless, the Indonesian government has implemented notable measures to combat illegal fishing. These include confiscating and destroying unauthorized fishing vessels, temporarily suspending licenses for foreign dishes, and prohibiting fish transfers at sea (Busro, 2017; Mongabay, 2019).

As a member of SEAFDEC, Indonesia is also actively engaged in regional collaboration to implement PSM, including capacity-building initiatives (Saraphaivanich et al., 2017; SEAFDEC, 2020). It recognizes the importance of international cooperation in combating IUU fishing, as indicated by the Information Fusion Centre in 2023. The Indonesian government collaborates with its neighbors and participates in regional and global initiatives, including ASEAN, SEAFDEC, RPOA-IUU, and APEC.

Similarly, the Indonesian Government routinely deploys patrol vessels through the Ministry of Marine Affairs and Fisheries (MMAF). It conducts air patrols to safeguard marine and fisheries resources from unauthorized activity at specific locations. According to the Information Fusion

Centre (2023a), between January and December 2021, 204 criminal investigations related to illegal fishing were conducted. These investigations involved 134 Indonesian fishing vessels and 70 vessels from other nations.

4.4.2 Thailand

Based on the data provided by the FAO, Thailand occupied the twelfth rank in 2020 in producing fisheries commodities. Nevertheless, it is worth noting that it holds the fourth position in export volume, encompassing the re-exportation of various goods. A prominent feature of Thai fisheries is the substantial discrepancy in the utilization of small vessels in coastal fisheries as opposed to the predominance of large ships in offshore and high-seas fishing (SEAFDEC, 2021; FAO, 2020).

In addition, criminal fishing activities within domestic fisheries include conducting fishing operations in limited regions or during prohibited durations, utilizing unauthorized fishing equipment, and collecting species prohibited explicitly by regulations. The matter has been well documented by Sodik (2009) and McWilliam et al. (2020) in their respective studies. Moreover, the nation has notable obstacles to coerced labor and human trafficking, as Chapsos and Hamilton (2019) and Vandergeest et al. (2017) emphasize.

Both Indonesia and Thailand have implemented regulations about the minimum tonnage threshold for fishing vessels that need the installation of a VMS. As per Regulation No. 42/Permen-Kp/2015, which the Minister of Marine and Fisheries issued, it is mandatory for boats with a gross tonnage of 30 or more to possess and ensure the proper functioning of a VMS by the guidelines set out by FAO (2020). The Royal Ordinance on Fisheries B.E. 2558, promulgated in 2015, stipulates the obligatory use of the VMS across Thailand. Regarding the NPOA-IUU in Thailand, it is required that vessels with a minimum weight of 30 gross tons broadcast signals on an hourly basis. Additionally, it is essential to acknowledge that foreign fishing vessels must undergo surveillance via an AIS to gain entry into Thai ports, as the Department of Fisheries (2021) indicates.

The Thailand Maritime Enforcement Coordinating Centre (Thai-MECC) also assumes a crucial function in overseeing and directing the activities of various Thai national agencies engaged in the Maritime Domain Awareness (MDA) and Maritime Law Enforcement (MLE) systems. The contributions made by the Centre have played a vital role in Thailand's successful attempts to combat the problem of IUU fishing. The measures include a range of components, such as providing support to the Fisheries Monitoring Centre (FMC), conducting surveillance of ports, seas, and airspaces, implementing Port-In-Port-Out (PIPO) control for Thai-flagged

vessels, establishing an information technology (IT) system to facilitate effective remote surveillance, and enforcing Port State Measures (PSM) to regulate foreign vessels (Information Fusion Centre, 2022).

Chapter 5

Conclusion and Recommendations

The problem of IUU fishing in the Philippines has posed a significant challenge to the global maritime ecosystem for a long time. Following the Fisheries Code amendment, the Philippine government has actively pursued several measures, including ratifying the FAO Compliance Agreement and PSMA, to enhance the preservation and management of fishing vessels operating in international waters. The global legal framework provided the necessary legal foundation for domestic legislation, resulting in the implementation of vessel monitoring mechanisms, enforced rigorous reporting obligations, and adjusted penalties for those who violate these restrictions.

However, it is essential to note that there exists a distinction between the process of formulating policies and the subsequent execution of such policies. The nation possesses an ample array of laws and regulations to tackle the issue of IUU fishing effectively. Existing legal processes have been established, yet there is a need for enhanced enforcement. The task should be executed with optimal efficiency and effectiveness while ensuring the protection of the rights of all involved parties. Hence, it is imperative for the government to diligently uphold both national and domestic laws to enforce the utmost levels of justice and equity.

Conversely, the legal approach to addressing illegal fishing should not be influenced by specific enforcement methods, such as administrative, civil, or criminal. Most States support a dual enforcement strategy, including administrative and criminal processes. However, there is yet to be a definitive answer on what provisions should be included in national fisheries legislation. Effective prevention requires incorporating efficient enforcement options from the country's legal system and aligning it with international and regional treaties and standards.

Depending on their legislative practices, States can choose criminal or administrative/civil enforcement measures. It emphasizes the significance of examining, interpreting, and applying laws related to illegal fishing. It suggests that States should adopt criminal and administrative enforcement approaches in national fisheries legislation in line with state legislative practice.

It is worth remembering that eradicating IUU fishing practices can increase fish populations, improve marine biodiversity, and support sustainable food systems. Thus, this would facilitate marine conservation and management initiatives and contribute to a shift toward sustainable food systems (EU IUU Coalition, 2020).

In contrast, this research offers a range of measures to mitigate the issue of IUU fishing operations in the Philippines. This part thoroughly examines the recommendations the researcher put forth, which were gathered during the study project.

Strict adherence to the current Fisheries Code

Continually evaluating the Fisheries Code by the Philippines Congress over five years is essential to ascertain its continued relevance and alignment with prevailing conditions. The immediate revocation of the suspension of Vessel Monitoring Measures is also necessary. To enhance the long-term sustainability of the fishing industry, it is advisable to use several measures such as reference points, harvest control rules, capture documentation, traceability programs, and Fisheries Management Areas. These strategies are advised since they contribute to the overall profitability of the fishing company.

Furthermore, it is imperative to preserve the "Malinis at Masaganang Karagatan" program due to its alignment with the principles of Ecosystem Approach to Fisheries Management (EAFM) and its practical implementation of Republic Act 10654, which aims to ensure the long-term sustainability of seafood resources. Therefore, the government must allocate financial resources and offer livelihood support to fishing operations while enhancing compliance with catch reporting and fostering cooperation among regional fisheries offices.

Boosting the country's fishing industry requires the enforcement and regulation efforts of national law enforcement agencies and local government units (LGUs) to be systematically coordinated.

The enhancement of the fishing industry can be achieved through the coordination of national and local law enforcement agencies, the facilitation of stakeholder dialogues to establish robust municipal regulations, and the rigorous enforcement of regulatory compliance. The importance of bolstering law enforcement efforts beyond maritime operations cannot be overstated. It is imperative that the Environmental Management Bureau, in collaboration with local government units, rigorously implement water quality standards and uphold the regulations stipulated in the Clean Water Act.

Improve MCS system collaboration among maritime law enforcement agencies.

There is a need for the expansion of intelligence-gathering and information-sharing operations and the augmentation of shore patrols. Continuous maritime domain awareness (MDA) patrols should also be incorporated into the long-term strategic framework of the PCG, PNP, Philippine Navy (PN) and BFAR.

System enhancements about registration and fishing vessel licenses in the municipalities.

Philippine fishing vessels' registration and licensing status should be investigated, sustainable practices should be promoted, and vessel owners in urban areas should be encouraged. The implementation of "Bantay Dagat" should be enforced by encouraging commercial and municipal vessel registration.

Conducting further research is mandatory.

Additional research is required to ascertain the challenges associated with IUU fishing and formulate effective solutions to enhance future welfare. The availability of research materials and time limitations can facilitate the analysis process. The expertise of marine science professionals can be instrumental in facilitating the efficient management of aquatic resources.

Table 3. Suggested Action Plan

Issue	Agency/Office Responsible	Resources	Time Frame
Strict adherence to the current Fisheries Code (Enforcement)	DA, BFAR, PCG, PNP, PN, LGUs, NGOs	Education campaigns, Workshop, Seminars (Political Will)	Long term (Sustained)
Strong collaboration between LGUs and maritime law enforcement agencies	BFAR, PCG, MARINA, PNP, PN, LGUs, NGOs	Workshop, Seminars, Trainings	Medium-term
Improve MCS collaboration among maritime law enforcement agencies.	BFAR, PCG, PN, PNP, LGUs, NGOs	Education campaigns, land-based operations, seaborne patrols	Long term
System enhancements about registration and fishing vessel licenses in the municipalities	BFAR, LGUs, NGOs	Information drive campaign, IT system upgrade	Long term
Conduct further research	BFAR, Academe, NGOs	Scientific studies, Research, Training	Long term

Source: Author composition, 2023

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Appendices

Appendix A: Executive Order No. 154 (Adopting a National Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing)

Appendix B: Memorandum of Agreement between BFAR and PCG

Appendix C: Standard Operating Procedure No. 03-19 (Implementing Guidelines of Port State Measures against IUU Fishing)

Appendix A: Executive Order No. 154 (Adopting a National Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing)

**MALACAÑAN PALACE
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 154

**ADOPTING A NATIONAL PLAN OF ACTION TO PREVENT, DETER, AND ELIMINATE
ILLEGAL, UNREPORTED, AND UNREGULATED FISHING, AND FOR OTHER
PURPOSES**

WHEREAS, Section 2 (c) of Republic Act (RA) No. 8550, or the "Philippine Fisheries Code of 1998," provides that it is the policy of the State to ensure the rational and sustainable development, management, and conservation of the fishery and aquatic resources in Philippine waters, including the exclusive economic zone, and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, and protecting and enhancing the quality of the environment;

WHEREAS, illegal, unreported, and unregulated (IUU) fishing undermines national and regional efforts to manage fisheries in a sustainable manner, destroys marine habitats, jeopardizes the viability of resources, depletes fish stocks worldwide, and threatens the food and livelihood security of coastal communities;

WHEREAS, there is a need to address the ecological, biological, and socio-economic challenges posed by IUU fishing in a coordinated and integrated manner through a collaborative institutional mechanism involving the concerned departments and agencies of the government;

WHEREAS, the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (IPOA-IUU) was endorsed by the United Nations Food and Agriculture Organization (UN-FAO) Council on 23 June 2001; and

WHEREAS, there is a need for the Philippines, as a member of UN-FAO, to develop and implement a national plan of action to achieve the objectives of the IPOA-IUU.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Adoption of the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (NPOA-IUU). The NPOA-IUU for the Philippines, attached hereto as Annex A, is hereby adopted.

SECTION 2. Establishment of the Philippine Committee Against IUU Fishing. Pursuant to the NPOA-IUU, a Philippine Committee Against IUU Fishing (hereinafter referred to as the "Committee") is hereby created, which shall be composed of, but not limited to, duly authorized representatives from the Office of the President, Department of Agriculture, Department of Transportation and Communications, Department of the Interior and Local Government, Department of Finance, Department of Justice, Department of National Defense, and Department of Foreign Affairs and their respective offices and attached agencies, including concerned economic zone authorities, as well as



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representatives from the private sector. The Secretary of Agriculture or his duly authorized representative shall serve as the Chairperson of the Committee.

The private sector members of the Committee shall be as follows: one (1) fisherfolk representative of the National Anti-Poverty Commission (NAPC), and two (2) municipal and two (2) commercial fishers from the National Fisheries and Aquatic Resources Management Council (NFARMC).

SECTION 3. Mandate. The Committee is mandated to ensure the implementation of the NPOA-IUU, to provide policy guidance and to develop capacity-building programs. The Committee shall also submit an annual report to the President on the implementation of this Order and of the NPOA-IUU.

SECTION 4. Secretariat. The Committee shall be assisted by a Secretariat to be headed by a Senior Technical Staff of the Bureau of Fisheries and Aquatic Resources duly designated by the Chairperson, endorsed by the Committee, and supported by sufficient number of staff, as may be deemed necessary by the Committee, in accordance with applicable laws, rules and regulations.

SECTION 5. Authority to Accept Contributions or Donations. The Committee is hereby authorized to accept donations, contributions, grants, bequests, or gifts from foreign or local sources to be utilized in the implementation of the NPOA-IUU and in the performance of its mandate, in accordance with applicable laws and rules and subject to government accounting and auditing rules and regulations.

SECTION 6. Implementation. The Committee shall issue such rules and regulations as may be necessary to implement this Order.

SECTION 7. Funding. The funding requirements shall be sourced from the annual appropriations of concerned departments and agencies.

SECTION 8. Repealing Clause. All issuances, orders, rules and regulations, or parts thereof, which are inconsistent with this Order, are hereby repealed, amended, or modified accordingly.

SECTION 9. Separability Clause. Should any provision of this Order be declared invalid or unconstitutional, the other provisions unaffected thereby shall remain valid and subsisting.

SECTION 10. Effectivity. This Order shall take effect immediately upon publication in the Official Gazette or in a newspaper of general circulation.

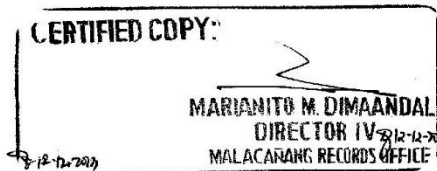
DONE, in the City of Manila, this 6th day of December, in the year of Our Lord, Two Thousand and Thirteen.

By the President:

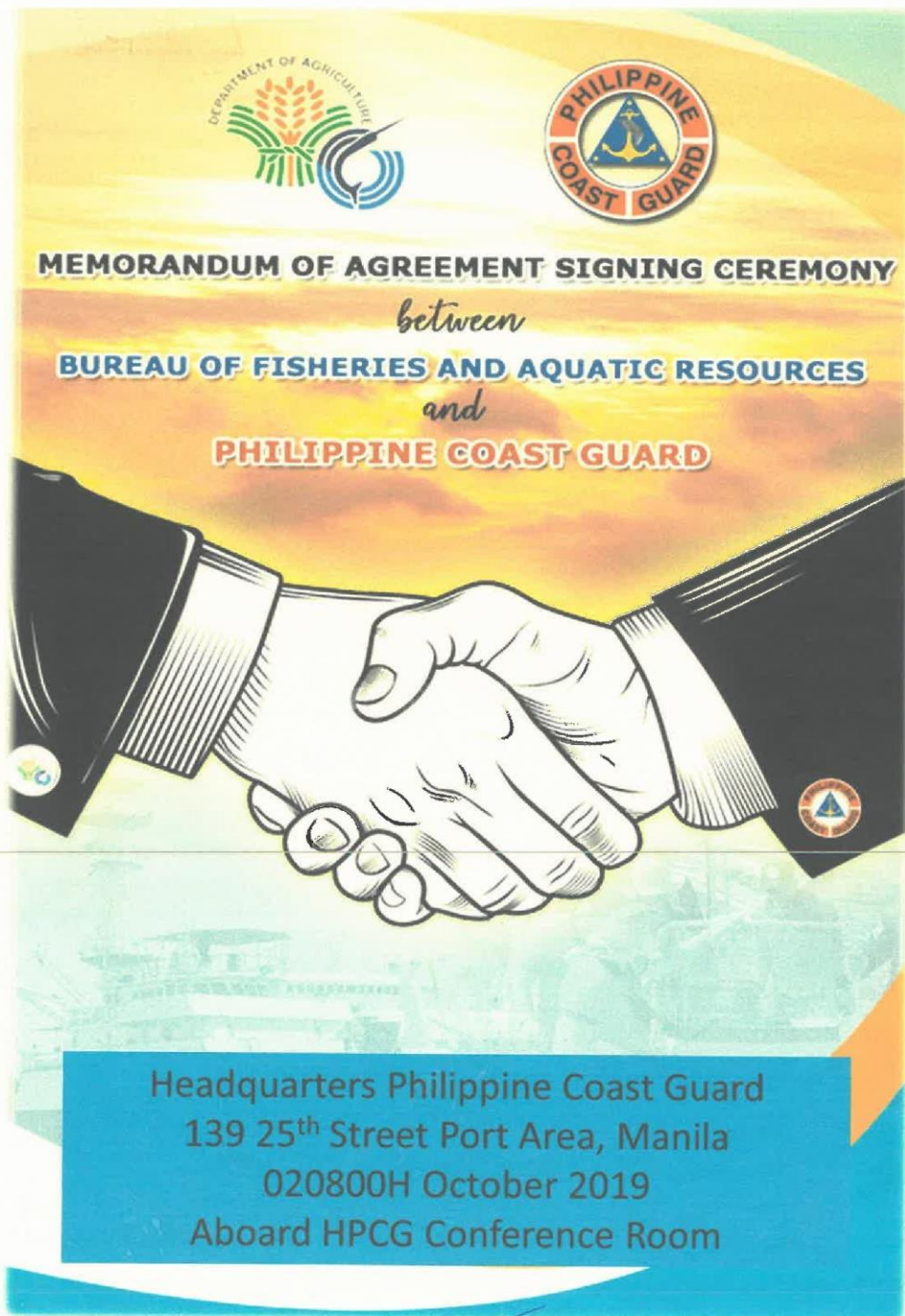
PAQUITO N. OCHOA, JR.
Executive Secretary



2



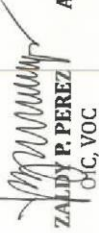
Appendix B: Memorandum of Agreement between BFAR and PCG



For the BFAR:


EDUARDO B. GORGONA
US-EC for Fisheries/BFAR Director

Witness:


ZALDY P. PEREZ
OIC, VOC

For the PCG:


ADM ELSON E. HERZOGINO
Commandante, PCG

Witness:


COMMO EDUARDO V. FABRICANTE
Chief of Staff, PCG

WHEREAS, the MMOV and the MCS Vessels are primarily intended for the conduct of regular monitoring and surveillance of the Philippine waters against illegal fishing activities of both foreign and local fishing fleets to strictly implement ocean laws and regulations, thereby safeguarding the Philippine marine resources;

WHEREAS, pursuant to Section 3 (1) of RA 9993 otherwise known as the **Philippine Coast Guard Law of 2009**, the **PCG** is mandated to assist in the enforcement of laws on fisheries, immigration, tariff and custom, forestry, firearms and explosives, human trafficking, dangerous drugs and controlled chemical, transnational crimes and other applicable laws within the maritime jurisdiction of the Philippines;

WHEREAS, pursuant to Section 3 (m) of RA 9993, the **PCG** is mandated to board and inspect all types of merchant ships and watercraft in performance of its function;

WHEREAS, the **BFAR** shall coordinate closely with **PCG** in the operation of the BFAR Vessels that will be used in conducting maritime operations. Both agencies shall work collaboratively in the suppression of poaching, fishing by means of dynamite, explosives or toxic substances, fishing with the use of fine mesh nets and other illegal fishing methods including Illegal, Unreported, Unregulated Fishing (IUUF) activities which may be declared destructive by the proper authorities, and within its capabilities, assist other government agencies upon request in the performance of their respective functions in all waters under the jurisdiction of the Philippines;

WHEREAS, after successful implementation of previous MOAs, both **BFAR** and **PCG** mutually agreed to continuously operate and exercise their capabilities for sustainable operation of BFAR Vessels;

WHEREAS, the continued collaboration and cooperation between **BFAR** and **PCG** would lead to a more efficient and effective enforcement of fisheries and maritime laws specifically those concerning the management, conservation, development, and protection of the country's maritime environment and fisheries and aquatic resources;

WHEREAS, to sustain and strengthen the joint effort of **BFAR** and **PCG**, the parties hereto agree to extend this Memorandum of Agreement under the following terms and conditions.

NOW THEREFORE, in consideration of the foregoing premises the Parties have agreed the following terms and conditions as herein contained of this MOA.



Witness:

COMMO EDUARDO D. FABRICANTE PCG
Chief of Staff, PCG

ARTICLE I
GENERAL PROVISIONS

Section 1. This Memorandum of Agreement (MOA) is entered into by and between **BFAR** and **PCG** for the purpose of conducting joint operations in the enforcement of laws pertaining to management, protection and conservation of the country's marine fisheries and aquatic resources, and to provide a working arrangement, to operate, navigate and perform law enforcement function onboard the BFAR vessels.

Section 2. This MOA shall be for a period of another five (5) years, and shall take effect on the date of the approval and signing by the parties hereto, but the same may be terminated only upon mutual written consent of the parties.

For the PCG:

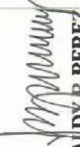
ADM ELSON E. HERMOGINO PCG
Commandant, PCG

ARTICLE II
OWNERSHIP

Section 1. These BFAR Vessels shall be operated as vessels owned by the Republic of the Philippines, through **DA-BFAR**.

ARTICLE III
RESPONSIBILITIES OF BOTH PARTIES

Section 1. **BFAR** shall have the authority and responsibility to deploy and dispatch the vessels for patrol/law enforcement mission within Philippine maritime jurisdictions in consultation with the **Philippine Coast Guard**.

Witness:

ZAI DY P. PEREZ
OIC, VOC

Section 2. **BFAR** and **PCG** shall jointly prepare the deployment plans, programs and operation of the vessels. Both parties shall also maintain close working linkages with the respective LGUs where the vessels will be deployed and operated.

For the BFAR:

EDUARDO B. GONGORA
VSEC for Fisheries/BFAR Director

Section 3. In case of national calamities and emergencies, such as war, rebellion and/or insurrection, especially for search and rescue operation and responding to marine pollution incident where the security defense and peace and order of the Republic of the Philippines is at stake, the Commanding Officer/Boat Captain assigned-onboard shall have the prerogative and authority to utilize the vessels, or as may be directed by the higher authorities of **PCG** over and above the purpose and mission of the vessel, pursuant to this MOA. For this purpose, the Commanding Officer/Boat Captain on-board shall then immediately inform the **BFAR** Director or its authorized representative of the diversions and/or utilization of the vessel.



Witness:
COMMO EDUARDO FABRICANTE PCG
Chief of Staff, PCG

For the PCG:
ADM ELSÓN HERMOGINO PCG
Commandant, PCG

Witness:
ZALDY PEREZ
OIC, VOC

For the BFAR:
EDUARDO R. GONGONA
VSEC for Fisheries/BFAR Director

Section 4. The **BFAR** vessels shall display the mark and symbol of both agencies for identification purposes. Personnel onboard the BFAR Vessels shall wear the appropriate uniform of their respective agencies.

ARTICLE IV
ADMINISTRATION, OPERATION AND MANAGEMENT OF THE VESSEL

Section 1. Personnel Administration

a. The 50-meter MMOV, there shall be fifty (50) personnel onboard with **PCG** as Commanding Officer. twenty-eight (28) personnel from **BFAR**; and at least four (4) **PCG** Commissioned Officers and sixteen (16) non-officers. The organizational set-up, designation and duties of personnel aboard is defined in "Annex I" and forms part of this MOA.

b. For the 30-meter MCS Vessel, there shall be twenty-one (21) personnel on board with **PCG** as Commanding Officer. Seven (7) personnel from **BFAR**; and at least two (2) **PCG** Commissioned Officers and eleven (11) non-officers. The organizational set-up, designation and duties of personnel aboard is defined in "Annex II" and forms part of this MOA.

c. For the 11-meter MCS Vessel, there shall be seven (7) personnel onboard, with at least four (4) from **PCG**, and three (3) from the **BFAR**, with the **PCG** Non-officer as the Boat Captain. The organizational set-up, designation and duties of the personnel onboard is defined in "Annex III" and form part of this MOA.

d. ~~The overall discipline and proper decorum of the members of the crew shall be under the responsibility of the Commanding Officer/Boat Captain. **PCG** personnel who commit onboard violations of rules and regulations onboard shall be dealt with in accordance with **PCG** Code of Conduct. **BFAR** personnel who commit infractions onboard shall be reported by the Commanding Officer to the **BFAR** Director or its authorized representative for disciplinary action.~~

e. Accounting of personnel onboard shall also be under the responsibility of the Commanding Officer/Boat Captain in accordance with the policy imposed by **BFAR** and **PCG**.

f. The **PCG** shall be solely responsible on the administration of **PCG** personnel assigned the **BFAR** Vessels.

g. The designation and relief of MMOV and MCS Commanding Officers/Boat Captains shall be in accordance with the **PCG** prescribed rules and procedures and with due consultation with **BFAR**.



For the BFAR:


EDUARDO B. GÓNGORA
USFC for Fisheries/BFAR Director

Witness:


ZALDY P. PEREZ
DIC, VOC

For the PCG:


ADM ELSON E. BERMOGINO PCG
Commandant, PCG

Witness:


COMMO EDUARDO B. FABRICANTE PCG
Chief of Staff, PCG

h. The **BFAR** Engineering Officer and Maintenance and Repair Unit (MRU) onboard ensure the operational capability of all machineries and equipment to obtain the Ready For Sea (RFS) status.

i. All officers and crew assigned onboard BFAR Vessels must have completed the Boat Operation and Management Course (BOMC) Training and Fish Examiners' Training Course.

j. BFAR Law Enforcement Officers designated by concerned RFOs shall board the BFAR Vessels during MCS operations. They shall observe the proper boarding and inspection procedures as provided in the Fisheries Law Enforcement Manual of Operations (FLEMOP) and the procedures shall be properly documented for evidentiary purposes.

Section 2. Vessel Operation and Management

a. The **BFAR** and **PCG** onboard personnel shall jointly operate and manage the BFAR Vessels, and in coordination with the other law enforcement agencies shall enforce all fishery laws, rules and regulations within the Philippine maritime jurisdiction.

b. Pursuant to Section 1, Article III of this MOA, the management of the vessel shall be the joint responsibility of **BFAR** and **PCG**, particularly:

1. **BFAR** - shall be responsible for the overall management, administration and maintenance of the BFAR Vessels such as the provision of logistical requirements and repair among others; while

2. **PCG** - shall be responsible for the operation and daily preventive maintenance of equipment and machineries on board and personnel manning requirements.

c. **BFAR** shall fully utilize DA-BFAR MCS 3008 as patrol and training vessel for all MCS activities and shall manage, operate, maintain said vessel with full BFAR manning complement.

d. The **BFAR** shall have the right to pull-out vessels from **PCG** for reconditioning and other purpose may require.



Witness:
COMMO EDUARDO D'FABRICANTE PCG
Chief of Staff, PCG

For the PCG:
ADM EIVSON E. HERMOGINO PCG
Commandant, PCG

Witness:
ZALDM P. PEREZ
OIC, VOC

For the BFAR:
EDUARDO B. CONGONA
USC for Fisheries / BFAR Director

Section 3. Conduct of Missions

- a. The **BFAR** and **PCG** officers deployed on missions shall be guided by the protocols and guidelines embodied in the Fisheries Law Enforcement Manual of Operations (FLEMOP).
- b. The **BFAR** Central Office shall be responsible for the issuance of Sailing Orders. Prior to the issuance of Sailing Order, **BFAR with concurrence of the CO/ BC** shall ensure that the vessels are operational ready particularly on the status of major machineries and equipment. The Commanding Officers/Boat Captains shall inform the Coast Guard District Commander of its current deployment and mission.
- c. The **BFAR** Vessels performing **BFAR** functions shall be under the Operational Control (OPCON) of the **BFAR** Central Office and/or concerned Regional Fisheries Offices once deployed in their respective Areas of Responsibility (AOR) provided that in cases mentioned in ARTICLE III Section 3 of this MOA, the **BFAR** vessels shall be under the operational control of respective **PCG** District Commanders. Provided further that **PCG** during the aforementioned cases the **PCG** shall provide the necessary POL allocations as provided for in Section 2 ARTICLE V.
- d. The safety, security and accomplishment of the mission shall be the primary responsibility of the Commanding Officer/Boat Captain.
- e. In every particular mission, both the Rules of Engagement (ROEs) of **PCG** and **BFAR** shall be known and understood at all times by all personnel onboard for proper and strict adherence.

ARTICLE V
COMPENSATION AND OTHER FUNDING REQUIREMENTS

Section 1. Salaries and pays, subsistence allowance, sea duty pays and other allowances as prescribed of **BFAR** and **PCG** personnel onboard the **BFAR** Vessels shall be borne by their respective agencies.

Section 2. The operation and maintenance cost of the vessel as regards to Petroleum, Oil and Lubricants (POL) during the conduct of MCS activities including the travel, per diem of **BFAR** and **PCG** personnel, other incidental expenses, procurement of spare parts, consumables, emergency and regular dry-docking/repair activities shall be provided by the **BFAR** subject to the availability of funds and the usual government accounting and auditing laws, rules and regulations on this matter. However, the **PCG** shall provide

counterpart provision for the POL as needed during the conduct of Search and Rescue Operations and other PCG activities.

ARTICLE VI

SAVING CLAUSE

Section 1. If any provision of this MOA is held invalid for any reason, the remainder shall be held valid and shall continue to be in effect and enforced.

ARTICLE VII

EFFECTIVITY CLAUSE


THIS Memorandum of Agreement shall take effect upon signing of the parties herein stated.

IN WITNESS WHEREOF, the Parties hereto, acting through their representative duly authorized for the purpose, have caused this MOA to be signed this 2nd day of October 2019 at 139 25th St. Port Area, Manila.

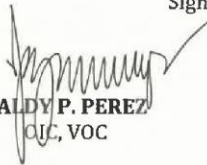
For the BFAR:


EDUARDO B. CONGONA
USEC for Fisheries/Director, BFAR

For the PCG:


ADM ELSON E. HERMOGINO PCG
Commandant PCG

Signed in the Presence of:


ZALDY P. PEREZ
CJC, VOC


COMMO EDUARDO B. FABRICANTE PCG
Chief of Staff, PCG

Approved by:


WILLIAM D. DAR, Ph.D
Secretary, DA


ARTHUR P. TUGADE
Secretary, DoTr

DEPARTMENT OF AGRICULTURE
PAGASA
In replying pls cite this code:
For Signature: S-02-20-0241
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7 | Page

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES) S.S.
MANILA

BEFORE ME, a Notary Public, for and in the above jurisdiction this ___th day of _____ 2019, personally appeared and presented to me their respective competent identification documents, to wit

Name	Community Tax No. / Passport No.	Date Issued	Place Issue
1. ADM ELSON E HERMOGINO PCG	_____	_____	_____
2. EDUARDO B GONGONA	_____	_____	_____

Known to me and to me known to be the same persons who executed the foregoing MEMORANDUM OF AGREEMENT and acknowledged to me that the same is their free and voluntary act and deed for the agencies that they represent.

I further acknowledge that this instrument, including the foregoing Agreement and this page on which this acknowledgment is written, consist of eight (8) pages, all signed by the parties and their witness and sealed with my notarial seal.

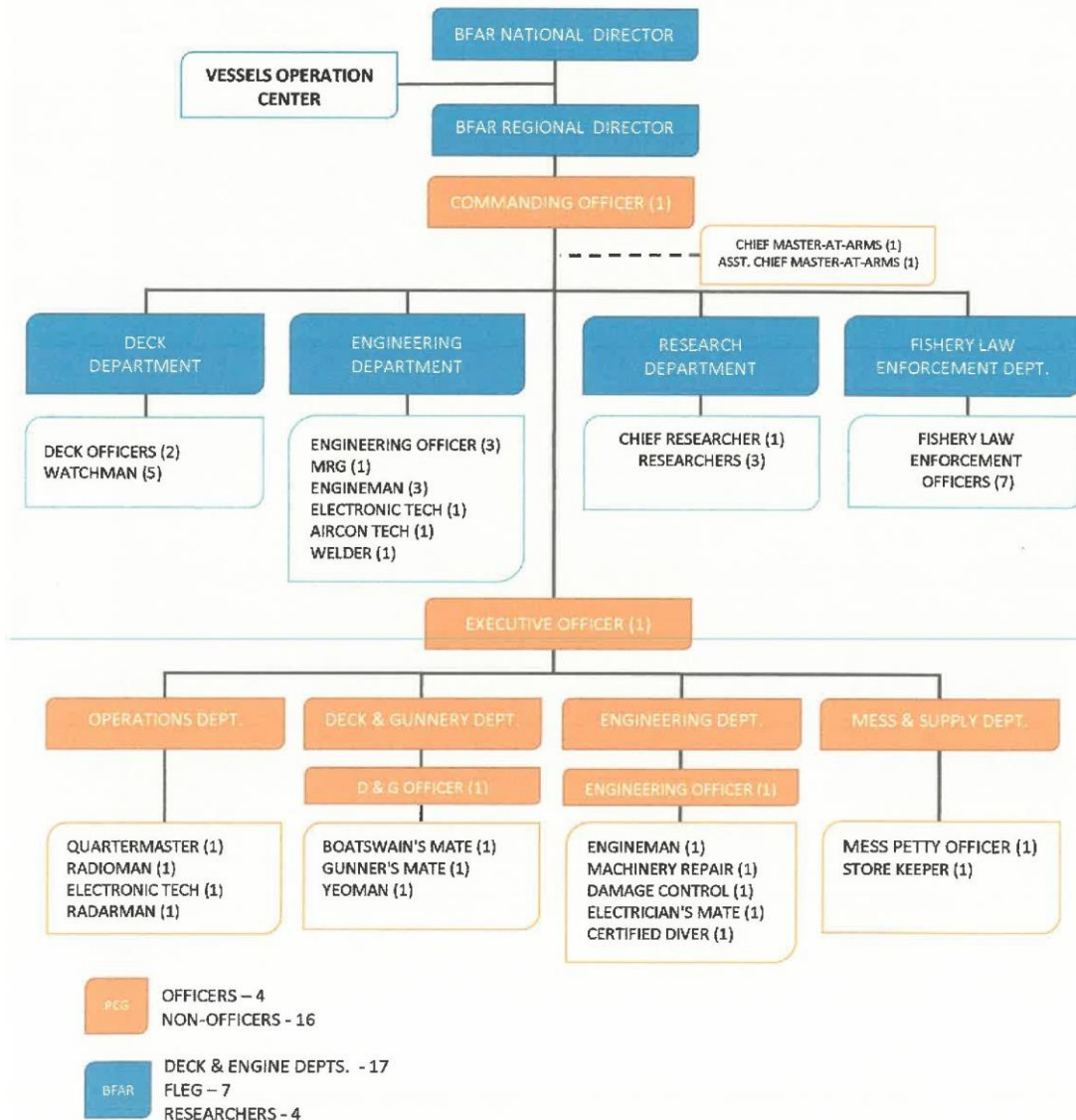
IN WITNESS WHEREOF, I have hereunto set my hands this ___ day of _____, 2019 in _____, Philippines.

NOTARY PUBLIC

Doc No. ___
Page No. ___
Book No. ___
Series of **2019**

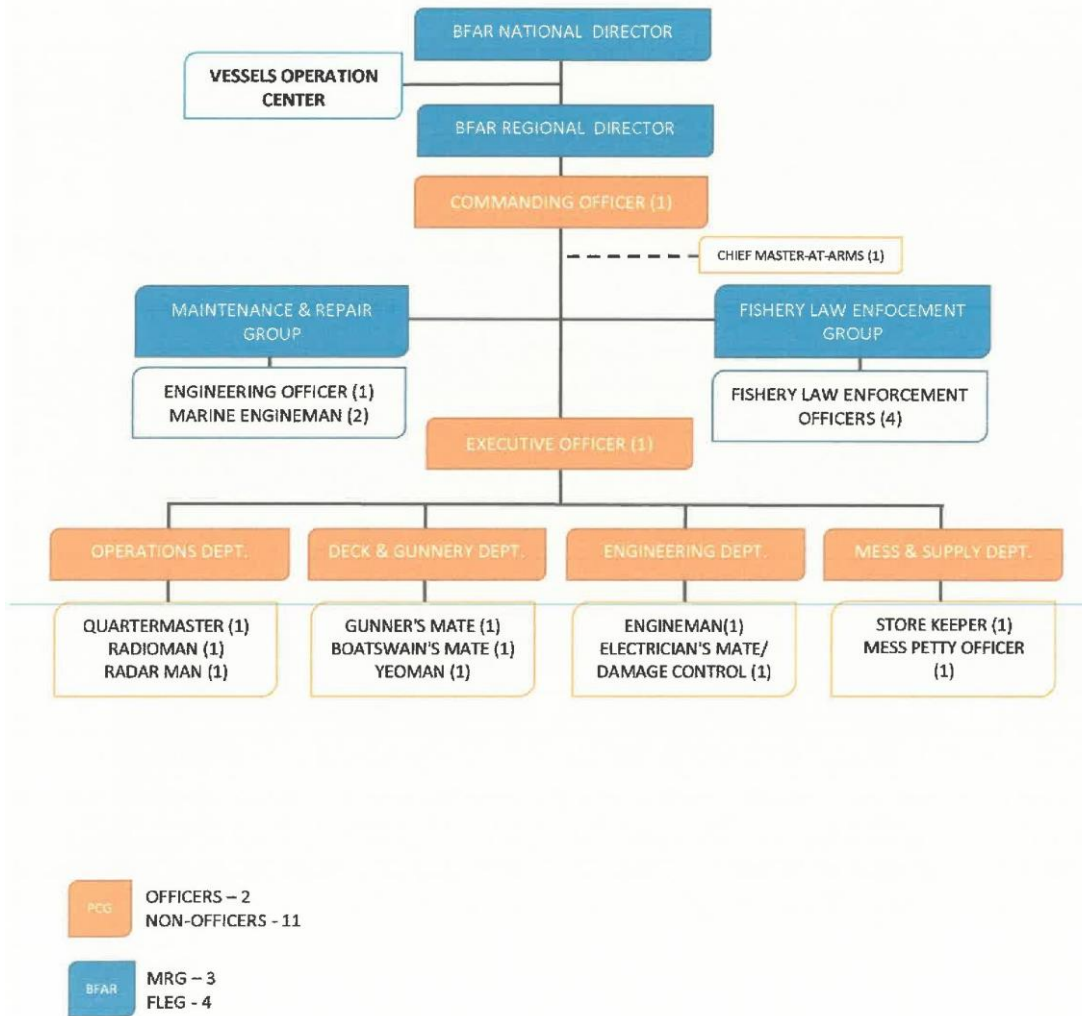


ANNEX I. ORGANIZATIONAL SET-UP FOR 50-METER MULTI-MISSION OFFSHORE VESSEL PER AOR



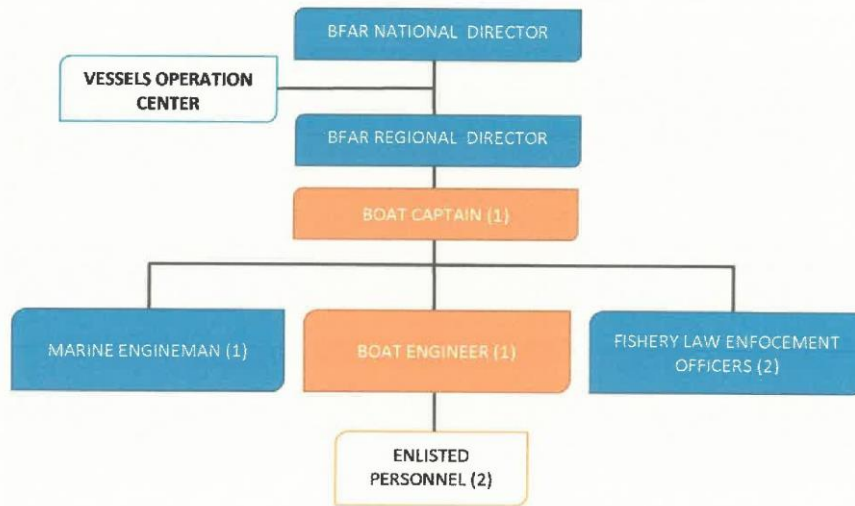
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ANNEX II. ORGANIZATIONAL SET-UP FOR 30-METER DA-BFAR MCS PATROL VESSEL PER AOR



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ANNEX III. ORGANIZATIONAL SET-UP FOR 11-METER DA-BFAR MCS PATROL VESSEL PER AOR



-  NON-OFFICERS - 4
-  MARINE ENGINEMAN - 1
FLEG - 2



Appendix C: Standard Operating Procedure No. 03-19 (Implementing Guidelines of Port State Measures against IUU Fishing)



PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

NHQ-PCG/CG-14

11 February 2019

STANDARD OPERATING PROCEDURES
NUMBER03-19

**IMPLEMENTING GUIDELINES OF PORT STATE MEASURES AGREEMENT
AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING**

I. AUTHORITY

1. Republic Act 9993
2. Implementing Rules and Regulations of RA 9993

II. REFERENCES:

1. Republic Act 8550 (Philippine Fisheries Code of 1998) as amended by Republic Act Nr. 10654 "An Act to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing"
2. Port State Measures Agreement for IUU Fishing
3. Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fishing
4. 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
5. FAO Fisheries and Aquaculture Circular No. 1074
6. Voluntary Guidelines on Flag State Performance, Food and Agriculture Organization of the United Nations

III. SCOPE:

This Standard Operating Procedure (SOP) shall apply only to all types of foreign-flagged fishing vessels and its crew engaged or known to have engaged in Illegal, Unreported and Unregulated (IUU) fishing or fishing related activities in support of IUU fishing, seeking entry into, or in a port to which the Philippine has jurisdiction.

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IV. PURPOSE AND OBJECTIVES:

Objectives:

1. To rationalize, strengthen, and ensure more effective implementation and enforcement of fisheries law, rules and regulations against IUU fishing, the provisions of Port State Measures Agreement (PSMA) and other related international laws, convention, rules and regulations, treaties and instruments; and
2. To assist PCG personnel in the detection of fishing vessels engaged or known to have engaged in the aforementioned acts.

Purpose:

1. Provides basic guidelines for PCG personnel in the implementation of Port State Measures Agreement and in the conduct of management and control of IUU fishing or fishing related activities in support of IUU fishing in accordance with PSMA;
2. Prescribes the procedures in the conduct of boarding and inspection by PCG personnel to determine whether a foreign-flagged fishing vessel is engaged in IUU fishing or fishing related activities in support of IUU fishing; and
3. Outlines the responsibilities and the appropriate actions to be taken by the concerned PCG personnel.

This Standard Operating Procedure (SOP) is intended to provide basic guidance for Philippine Coast Guard personnel in the conduct of management and control of illegal, unreported and unregulated illegal fishing in the country in accordance with the provisions in the Port State Measures Agreement (PSMA). It is also the goal of this SOP to assist PCG personnel in the detection of fishing vessels engaged in the aforementioned acts.

V. DEFINITION OF TERMS:

1. **BFAR** – Bureau of Fisheries and Aquatic Resources
2. **BI** – Bureau of Immigration
3. **BOC** – Bureau of Customs
4. **BOQ** – Bureau of Quarantine
5. **LITTORAL STATE** – the State or country which has jurisdiction over the fishing ground where a particular vessel conducted fishing activities.
6. **FISH** – means all species of living marine resources, whether processed or in its natural habitat.

7. **FISHERY PRODUCTS** – includes fish and other aquatic species in any forms.
8. **FISHING** – means searching for attracting, locating, catching, taking or harvesting or any activity that can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
9. **FISHING RELATED ACTIVITIES** – means any operation in support of, or in preparation for fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as provisioning of personnel, fuel, gear and other supplies at sea.
10. **FISHING VESSEL** – any boat or ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.
11. **FLAG STATE** – the State or Country where the fishing vessel is registered, or flagged, is responsible for monitoring the activity of its vessels wherever they are.
12. **FOREIGN FISHING OPERATOR** – a person or entity who/which owns and provides the means including labor, capital, fishing gear, and vessel, which may or may not be engaged directly in fishing and fishing-related activities duly licensed by the Flag State.
13. **ILLEGAL FISHING** – refers to activities conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations; activities conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law thereof; or activities in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

14. **LOCAL AGENT** – any person, partnership or corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines who/which acts as the legal agent or representative of the foreign fishing operator intending to avail/seek port entry into the Philippines.
15. **PCG LET** – Philippine Coast Guard Law Enforcement Team
16. **PFDA** – Philippine Fisheries Development Authority
17. **PPA** – Philippine Ports Authority
18. **PHILIPPINE WATERS** – include all bodies of water within the Philippine territory including waters under its jurisdiction such as lakes, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of waters now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around, between and connecting the islands of the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical mile Exclusive Economic Zone and the continental shelf.
19. **PORT** – a land-based or offshore facility that serves as the point of entry for vessels seeking to avail for basic services such as landing or product/goods, transshipment, packaging, processing, refueling, resupplying, maintenance, dry-docking and other basic port services.
20. **PORT STATE** – the State or Country which has jurisdiction over the port where a particular fishing vessel seeks to enter and avail basic port services.
21. **PSCO** – Port State Control Officer
22. **PSMA** – Port State Measure Agreement was adopted on 22 November 2009 by the Conference of the United Nations Food and Agriculture Organization to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). The PSMA entered into force on 5 June 2016 after the threshold needed – ratification by 25 governments – was surpassed.
23. **RFMO** – Regional Fisheries Management Organization.
24. **TRANSSHIPMENT** – refers to the transfer of all or any fish or fishery product from one vessel to another.

25. **UNREPORTED FISHING** – refers to the fishing activities which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or fishing activities undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization and further elaborated by regulations to be promulgated by the Department of Agriculture.

26. **UNREGULATED FISHING** – refers to fishing activities in the area of application of a relevant management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or fishing activities in areas or for fish stocks in relation to which there are no such fishing activities that are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international laws.

27. **VESSEL** – means any vessel, ship of another type or boat used for, equipped for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

VI. RESPONSIBILITIES:

1. District Commander

- a) Shall monitor the operation of Stations under his command relative to the entry of foreign fishing vessels to ensure that the same has the necessary accreditation from BFAR and not engage in illegal, unreported and unregulated fishing;
- b) Shall ensure proper coordination with BFAR of all the operations to be conducted by PCG Law Enforcement Team prior to the actual operations;
- c) Shall expedite the submission of reports required hereunder;



- d) Shall record, keep and maintain list of foreign-flagged fishing vessels engaged in IUU fishing or fishing related activities in support of IUU fishing for future reference and information and copy furnish the concerned PCG units;
- e) Shall cause to recommend to BFAR the subject foreign-flagged fishing vessel to be included in the IUU fishing vessel list, deny of entry and other port services including blacklisting;
- f) Shall ensure that the provisions of this SOP are properly implemented and observed.

2. Station Commander

- a) Shall monitor all ports under his AOR including the designated landing ports for specially regulated types of fish;
- b) Shall monitor all the foreign fishing vessels calling the ports to ensure if said vessel has the necessary documentation of accreditation with BFAR;
- c) Shall properly coordinate with the Philippine Ports Authority in case of public ports and the owner of private ports of operations to be conducted inside the said ports relative to the implementation of this SOP;
- d) Shall create PCG Law Enforcement Team with appropriate order;
- e) Shall supervise the **Inspection Team** composed of PCG Law Enforcement Team and BFAR Inspector, in the conduct of inspection and operation at the ports relative to the implementation of this SOP;
- f) Shall record, keep and maintain list of foreign-flagged fishing vessels engaged in the afore-cited acts and copy furnish the District Commander.

3. PCG Law Enforcement Team (PCG-LET)

- a) Shall properly conduct inspection on the foreign fishing vessel together and in coordination with Fisheries Inspectors from BFAR;
- b) Shall ensure that the foreign fishing vessels have the proper documentation; and



- c) In case of detention, shall immediately inform CPCG (Attn: CG-14/CGAC) and respective District Commanders.

4. DCCGS for Maritime Security Service, CG-14

- a) Shall transmit inspection report and information on measures taken after inspection to the Flag State and, as appropriate, other relevant States, RFMO, the FAO and other relevant international organization;
- b) Shall consolidate all reports and records on file relative to the conduct of boarding and inspection.

- 5. The Director, Coast Guard Action Center (D, CGAC)** shall monitor the status of the foreign fishing vessel until released, as the case may be.

VII. PROCEDURES:

1. Entry into Ports

The Inspection Team shall:

- a) Inspect all foreign fishing vessels calling at ports particularly those that did not notify of their arrival as being required by Philippine Fishery Law;
- b) Immediately require the master/captain to submit the Pre-Arrival documents/requirements, to wit:
 - 1. Name, registry and accreditation number of fishing vessel;
 - 2. Outward manifest of fishing vessel's Last Port of Call
 - 3. Complete crew list indicating the name and nationality of the crew on board
 - 4. Copy of catch log sheet which indicates the volume and species of fish caught, date, time as well as coordinates of the fishing ground;
 - 5. Copy of applicable fishing license from Coastal State or applicable RFMO;
 - 6. Seaman's Book and Passport of crew;
 - 7. Cargo manifest
 - 8. Vessel Logbook
 - 9. Original copy of vessel's registration documents and fishing license
 - 10. Vessel Monitoring System;
 - 11. Other necessary documents

- c) If the foreign fishing vessel does not have a valid authorization from the flag state or the coastal state to engage in fishing or fishing-related activities or no valid accreditation, and found to have violated IUU fishing provisions, the same shall be subject to detention, its fishing equipment, fishing gear and fish catch shall be confiscated in accordance with Philippine Fishery laws, rules and regulations with proper inventory and photographs. Disposition of fish catch shall be with the BFAR;
- d) Only foreign fishing vessels which have accreditation and cleared to enter port shall be allowed to enter the port for refueling, resupplying, maintenance and dry-dock as the case may be.
- e) Foreign fishing vessels shall be allowed to enter port when in distress or in case of force majeure, or if the safety of the crew or the vessel or the health of the crew is at risk or allow entry exclusively for the purpose of inspecting the vessel and taking other appropriate actions.

2. Priorities in Boarding and Inspection

The Inspection Team shall conduct the boarding and inspection formalities in accordance with the following priorities:

- a) Fishing vessels which have been previously denied entry or use of port in the Philippines or in other Port States.
- b) Fishing vessels which have been requested by a particular State and/or RFMO to be inspected, particularly where such request are supported by clear evidence that the subject fishing vessel has engaged in IUU fishing or fishing-related activities that supported IUU fishing;
- c) Fishing vessel which has clear grounds for suspecting that it has engaged in IUU fishing or fishing-related activities in support to IUU fishing; and
- d) Issuance of Boarding Certificate upon completion of inspection.



3. Inspection Proper

The Inspection Team shall:

- a) Upon boarding, notify or inform the master or in his absence, the senior deck officer, of its intention, purpose and authority to inspect the subject fishing vessel;
- b) Thoroughly examine all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices and verify its conformity with the conditions of the authorization;
- c) Check fishing gear to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- d) Determine whether the fish on board was harvested in accordance with the applicable authorizations;
- e) Examine the fish (BFAR Fish Inspector), including sampling, to determine its quantity and composition including the fish which have been pre-packed to ascertain the integrity of the fish holds;
- f) Evaluate whether there is clear evidence or reasonable grounds to believe that a vessel has been engaged in IUU fishing or fishing related activities in support of such fishing; and
- g) Furnish the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master.

4. Results of Boarding and Inspection

The Inspection Team shall submit a written report containing the results of each and every boarding and inspection formalities conducted in a prescribed format together with the attachments as may be required.

5. Actions Following Inspection

When there are clear grounds to believe that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the Inspection Team shall:

- a) Promptly notify the Flag State, through appropriate channels and, as warranted, relevant coastal States, regional fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings;
- b) Deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if these actions have not been taken in respect of the vessel, in manner consistent with PSMA.

VIII. GENERAL GUIDELINES:

1. The Inspection Team shall always be guided by the PSMA Flowchart to ensure the effective implementation of this SOP;
2. Port State Measure on Illegal, Unreported and Unregulated Fishing shall be integrated or coordinated to Port State Control System and shall be carried out properly with PCG Port State Control Officers (PSCO) taking the lead in the inspection of the vessel in accordance with the provisions of SOLAS 1974 and BFAR Fish Inspector taking the lead on fish catch/fishing gear inspection;
3. The Customs, Immigration, Quarantine and Security (CIQS) inspection shall be carried out by Bureau of Customs, Bureau of Immigration, Bureau of Quarantine and Philippine Coast Guard personnel carrying out the inspection to ensure the proper documentation, sanitary/health requirements of the vessel and crew as well as to ensure security;

4. Where inspection and port state control are carried out on the foreign fishing vessel, whatever findings obtained shall be put on record in the form of written report and shall be immediately shared and transmitted to the flag State, coastal States and RFMOs to ensure notification to the possible next port of call of the action taken by the port State;
5. The Inspection shall follow the "Check List" provided to obtain all the relevant information of the vessel, crew and activities. Report of the results of inspection format shall also be followed for easy evaluation and recommendation (*Please see Annex A, B, C, D, E, F, G, H, I and J*);
6. Nothing herein shall be construed to limit, restrict or deny the rights of the Flag State/s guaranteed under United Nations Convention on the Law of the Sea (UNLOS);
7. Filing of criminal cases, if necessary, and imposition of administrative fine/penalty shall be in accordance with Philippine fishery law and its implementing rules and regulations;
8. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security. The PCG-LET shall issue the necessary certificate of release, record the same and copy furnish the master/captain;
9. In cases of arrest and detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed;
10. Where inspection and port state control are carried out on the subject foreign fishing vessel, any findings obtained in the course thereof shall be put on record in a written form. Such written report shall be immediately shared and transmitted to the Flag State, coast State and RFMOs to ensure prompt

notification to the possible next port of call of the action/s undertaken by the port State.


IX. EFFECTIVITY

This SOP shall take effect immediately upon approval and publication.

BY COMMAND OF ADMIRAL HERMOGINO:

EDUARDO D FABRICANTE
COMMO PCG
Chief of Coast Guard Staff

OFFICIAL


LIEZEL B BAUTISTA
CDR PCG
Coast Guard Adjutant

11/02/1944

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ANNEX A

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
 139 25th St., Port Area
 1018 Manila

Information to be provided in advance by Vessels requesting Port Entry

1.	Intended port of call								
2.	Port State								
3.	Estimated date and time of arrival								
4.	Purpose(s)								
5.	Port and date of last port call								
6.	Name of the vessel								
7.	Flag State								
8.	Type of vessel								
9.	International Radio Call Sign								
10.	Vessel contact information								
11.	Vessel owner(s)								
12.	Certificate of registry ID								
13.	IMO ship ID, if available								
14.	External ID, if available								
15.	RFMO ID, if available								
16.	VMS	No Yes: National Yes: RFMO(s) Type:							
17.	Vessels dimensions	Length Beam Draft							
18.	Vessels master name and nationality								
19.	Relevant fishing authorization(s)								
	Identifier	Issued by Validity Fishing area(s) Species Gear							
20.	Relevant transshipment authorization(s)								
	Identifier	Issued by Validity							
	Identifier	Issued by Validity							
21.	Transshipment information concerning donor vessels								
	Date	Location	Name	Flag State	ID number	Species	Product form	Catch area	Quantity

ANNEX A

22. Total catch onboard			23. Catch to be offloaded	
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>	<i>Quantity</i>



ANNEX B

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

PRE-BOARDING CHECKLIST

1. Position of the Boat/Vessel	Latitude: _____ Longitude: _____ Inside _____ Outside _____ municipal waters? (check one)
2. Nationality of the boat/vessel	
3. Origin of the people on board	
4. Activity of the boat/vessel	Anchored/stationary in transit/ fishing (encircle one) other activity
5. Type of the boat/vessel	Fishing/ cargo/ passenger (encircle one)
6. Approximate length of the boat/vessel	
7. Approximate tonnage of the boat/vessel	
8. Distinguishing features or unusual markings on the boat/vessel	
9. Type of the gear used, if fishing vessel	
10. Position of the gear	
11. Characteristics of the gear (fine mesh net, etc)	
12. Course and speed of the boat/vessel	
13. Can radio contact be made	Yes _____ : No _____
14. Is navigational equipment present?	Yes _____ : No _____
15. What are the crew and the crew members doing?	
16. Is there a change in the activity of the crew or boat/vessel	
17. Is boarding feasible	Yes: _____ : No _____

Prepared by: _____

Noted by: _____



ANNEX C

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

INSPECTION CHECKLIST FOR LANDING DENIAL

Name of Shipper/Exporter/Forwarder/Broker/boat Captain/Crew: _____

Address: _____

Date and Time Inspected: _____

Place: _____

Regulation	Status	Remarks
1. Ban on Coral Exportation (Section 96)		
2. Fishing or Taking of Rare, Threatened or Endangered Species (Section 102)		
3. Exportation of Breeders, Spawners, Egg or Fry (Section 104)		
4. Importation or Exportation of Fish or Fishery Species (Section 105)		
5. Gathering and Marketing of Shell Fishes or Other Aquatic Species (Section 110)		
6. Possessing, Dealing or Disposing Illegally Caught or Taken Fish (Section 126)		
7. Obstruction to Fishery Law Enforcement Officer (Section 115)		

Summary of Observations:

Checked by:

Fishery Law Enforcement Officer



ANNEX D

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
 139 25th St., Port Area
 1018 Manila

INSPECTION CHECKLIST FOR SEABOTNE OPERATION

Name of fishing Boat/boat/vessel: _____ G.T. _____
 Name of Owner/Operator/Company: _____
 Address: _____
 Name of Captain/Master Fisherman: _____
 Date and Time Inspected: _____
 Coordinates: _____

Documents	Status	Remarks
1. CFVGL		
- Boat/vessel License		
- Gear Registration		
2. Certificate		
3. Log/Record Book		
4. Fish worker's License (See detail at the back)		
5. Location/Fishing Ground		
Violations		
- Unauthorized Fishing (SEC. 86)		
- Engaging in Unauthorized Fisheries Activities (Sec. 87)		
- Failure to secure Fishing Permit Prior to Engaging in Distant Water Fishing (Sec. 88)		
- Unreported Fishing (Sec. 89)		
- Unreported Fishing (Sec. 90)		
- Poaching in Philippine Waters (Sec.91)		
- Fishing Through Explosive, Noxious or Poisonous Substance or Electricity (Sec. 92)		
- Use of Fine Mesh Net (Sec. 93)		
- Fishing in Overexploited Fishery Management Areas (Sec. 94)		
- Use of Active Gear in Municipal Waters, Bays, and Other Fishery Management Areas (Sec. 95)		
- Ban on Coral Exploitation and Exportation (Sec. 96)		
- Ban on Muro-ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat (Sec. 97)		
- Illegal Use of Super lights or Fishing Light Attractor (Sec. 98)		
- Fishing During Closed Season (Sec. 100)		
- Fishing in Marine Protection Areas, Fishery Reserves, Refuges and Sanctuaries (Sec. 101)		

ANNEX D

- Fishing or Taking of Rare, Threatened or Endangered Species (Sec. 102)		
- Capture of Sabalo and Other Breeders/Spawners (Sec. 103)		
- Violation of Harvest Control Rules (Sec. 106)		
- Aquatic Pollution (Sec. 107)		
- Failure to Comply with Minimum Safety Standards (Sec. 108)		
- Gathering and Marketing of Shell Fishes or Other Aquatic Species (Sec. 110)		
- Obstruction to Navigation or Flow or Ebb of Tide in any Stream, River, Lakes or Bay (Sec. 111)		
- Commercial Fishing Vessel Operators Employing Unlicensed Fisher folk, Fish worker or Crew (Sec. 113)		
- Obstruction of Defined Migration Path (Sec. 114)		
- Obstruction to Fishery Law Enforcement Officer (Sec. 115)		
- Non-compliance with Fisheries Observer Coverage (Sec. 116)		
- Non-Compliance with Vessel Monitoring Measures (Sec. 119)		
- Constructing, Importing or tampering Fishing Vessels or Gears Without Permit from the Department (Sec. 120)		
- Used of Unlicensed Gear (Sec. 121)		
- Falsifying Concealing, or Tampering with Vessel Markings, Identifying or Registration (Sec. 122)		
- Concealing, Tampering or Disposing of Evidences Relating to a investigation of a Violation (Sec. 123)		
- Other Violations (Sec. 128)		

Summary of Observations:

Checked by:

Fishery Law Enforcement Officer

ANNEX D

Name of Fish worker on Board	F.L. Control No.	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		

Note: Please take note of the following as your observation:

1. *CFGVL*- with or without, expired, and also note the control no., date of expiration and the issuing office, if there is;
2. *COC*- with or without, expired or not expired, and also note the control no., date of expiration and the issuing office, if there is;
3. *Fishing Gear*- active or passive;
4. *Mesh Size*- measurement of the mesh at bunt section;
5. *Log Book*- proper recording of volume and species of daily fish catch;
6. *Fish-worker's License*- record all fish-workers on board, with or without license, expired or not, control no., date of expiration and issuing office, if there is;
7. *Superlight*- record how many 500, 1,000, 3000-watt halogen bulb, then total no. of wattage.



ANNEX E

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

RECEIPT OF SEIZED FISHING BOAT/VESSEL

(Place of Issuance) _____ (Date of Issuance)
Received from _____ for impoundment
(Owner/possessor/Person-In-Charge)

the fishing boat/vessel herein described:

Operator/Owner: _____

Name of boat/vessel & CFBL No.: _____

For violation of: _____

Reason(s) for Impoundment: _____

- _____ possession of illegally caught fish/fishery product(s)
- _____ used in actual illegal fishing operation
- _____ possession of explosives, noxious or poisonous substance.
- _____ other(s) (specify) _____

(Signature Over Printed Name)
Fishery Law Enforcement Officer

WITNESSES:



ANNEX F

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

RECEIPT OF OTHER SEIZED ITEMS

Date:

Time:

Received the following items in the possession of _____
Owner/ Possessor/ Person-In-Charge
at _____
Market Place/ Fish Landing On-Board FV/Others

Description of Each Items/ Articles On Board:

ITEMS/ARTICLES	QUANTITY	UNIT	REMARKS
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Signature Over Printed Name)
Fishery Law Enforcement Officer/Team Leader

WITNESSES:



ANNEX G

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

INSPECTION CHECKLIST FOR SPECIAL OPERATION

Name of Offender: _____
Address: _____
Coordinates: _____
Date and Time Inspected: _____
Place: _____

Regulation	Status	Remarks
1. Conversion of Mangroves (Section 99)		
2. Aquatic Pollution. ---Aquatic pollution, as Defined in this Code shall be unlawful		
3. (Section 107)		
4. Obstruction of Defined Migration Paths		
5. (Section 114)		
6. Obstruction to Fishery Law Enforcement Officer (Section 115)		

Summary of Observations:

Checked by:

Fishery Law Enforcement Officer



ANNEX H

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
 139 25th St., Port Area
 1018 Manila

Report of the results of the inspection

1. Inspection report no		2. Port State	
3. Inspecting authority			
4. Name of principal inspector			ID
5. Port of inspection			
6. Commencement of inspection		YYYY	MM DD HH
7. Completion of inspection		YYYY	MM DD HH
8. Advanced notification received		Yes No	
9. Purpose(s)	LAN	TRX	PRO OTH(specify)
10. Port and State and date of last port call		YYYY	MM DD
11. Vessel name			
12. Flag State			
13. Type of vessel			
14. International Radio Call Sign			
15. Certificate of registry ID			
16. IMO ship ID, if available			
17. External ID, if available			
18. Port of registry			
19. Vessels owner(s)			
20. Vessel beneficial owner(s), if known and different from vessel owner			
21. Vessel operator(s), if different from vessel owner			
22. Vessel master name and nationality			
23. Fishing master name and nationality			
24. Vessel agent			
25. VMS	No	Yes: National	Yes: RFMOs Type:

ANNEX H

26. Status in RFMO areas where fishing or fishing related activities have been undertaken, including IUU vessel listing						
Vessel Identifier	RFMO	Flag State status	Vessel on authorized vessel list	Vessel on IUU vessel list		
27. Relevant fishing authorization(s)						
Identifier	Issued by	Validity	Fishing area(s)	Species	Gear	
28. Relevant transshipment authorization(s)						
Identifier	Issued by	Validity				
Identifier	Issued by	Validity				
29. Transshipment information concerning donor vessels						
Name	Flag State	ID No.	Species	Product form	Catch area(s)	Quantity
30. Evaluation of offloaded catch (quantity)						
Species	Product Form	Catch area(s)	Quantity Declared	Quantity offloaded	Difference between quantity declared and quantity determined, if any	
31. Catch retained onboard (quantity)						
Species	Product Form	Catch area(s)	Quantity Declared	Quantity offloaded	Difference between quantity declared and quantity determined, if any	
32. Examination of logbook(s) and other documentation				Yes	No	Comments
33. Compliance with applicable catch documentation scheme(s)				Yes	No	Comments
34. Compliance with applicable trade documentation scheme(s)				Yes	No	Comments
35. Type of gear used						

ANNEX H

36. Gear examined in accordance with paragraph e of Annex B	Yes	No	Comments
37. Findings by inspector(s)			
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)			
39. Comments by the master			
40. Action taken			
41. Master's signature			
42. Inspector's signature			



ANNEX I

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

APPREHENSION REPORT

Date

Sir:

Hereunder is the report on the apprehension made by the team:

OFFENSE: _____
DATE AND TIME OF COMMISSION: _____
PLACE OF COMMISSION OF OFFENSE: _____
GPS COORDINATES (If Applicable): _____
PLACE: _____

Offender (s)	Age	Nationality	Address

(NOTE: Use back page for additional names & address if necessary)

REMARKS: _____

Very Truly Yours,

(Signature Over Printed Name)
Law Enforcement Officer
Team Leader

WITNESS (ES):



ANNEX J

PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th St., Port Area
1018 Manila

BOARDING CERTIFICATE

TO WHOM IT MAY CONCERN:

_____ Date

THIS IS TO CERTIFY that on the above-mention date, the Boarding Party of PCG, and BFAR _____ has boarded my boat/ vessel at the vicinity of _____ in order to conduct inspections.

That the inspection was conducted in an orderly manner without the use of force upon our person(s) and property.

That after their inspection, they left my boat/boat/vessel without taking any of our personal property which is not subjected to seizure, neither was there anything taken without proper receipt.

That this statement was freely and voluntarily made without the use of force, threat of intimidation.

That before I signed this statement, the contents hereof were translated to me and I have understood the same.

Name of Boat/vessel: _____ (Master/Patron)
Name of Owner: _____
Address: _____
Gross Tonnage: _____ Net Tonnage: _____
CFVL No. _____ To Expire on: _____
CFGL No. _____ To Expire on: _____
FVSC No. _____ To Expire on: _____

WITNESSES: _____ INSPECTING OFFICER

Remarks:

Note: Inspection is a matter of routine and for the protection of life and Property at Sea and the Enforcement of Fishery Laws, Rules and Regulations promulgated hereunder.