



**National Plan of Action to Prevent, Deter and Eliminate
Illegal, Unreported and Unregulated Fishing**

REPUBLIC OF THE PHILIPPINES

2013

TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS

EXECUTIVE SUMMARY

FOREWORD

I. INTRODUCTION

- I.A. FAO IPOA-IUU
- I.B. Definition of Illegal, Unreported and Unregulated Fishing
- I.C. Profile of Philippine Capture Fisheries
- I.D. Fisheries Management and Enforcement
 - a. Agencies and Organizations
 - b. National Laws and Policies
- I.E. Economic Development Plan for the Fisheries Sector
 - a. Medium-term Philippine Development Plan
 - b. Long-term Fisheries Industry Development Plan
- I.F. Impact of IUU Fishing on Philippine Fisheries
 - a. Poaching
 - b. Cyanide Fishing
 - c. Blast Fishing
 - d. Aquatic Pollution
 - e. Unauthorized Fishing
 - f. Compressor and *Muro-ami* Fishing
 - g. Unreported and Unregulated Fishing
- I.G. Scope of the NPOA-IUU of the Philippines

II. ALL-STATE RESPONSIBILITIES

- II.A. International Instruments
- II.B. National Instruments
 - a. Legislation
 - b. State Control over Nationals
 - c. Vessels Without Nationality
 - d. Sanctions
 - e. Non-cooperating States
 - f. Economic Incentives
 - g. Monitoring, Control and Surveillance
- II.C. National Plan of Action
- II.D. Cooperation between States
- II.E. Publicity

III. FLAG STATE RESPONSIBILITIES

- III.A. Fishing Vessel Registration
- III.B. Record of Fishing Vessels
- III.C. Authorization to Fish
- III.D. Measures to Control Transport and Resupply Vessels

IV. COASTAL STATE RESPONSIBILITIES

- IV.A. Effective Monitoring, Control and Surveillance of Fishing Activities in the Exclusive Economic Zone
- IV.B. Cooperation and Exchange of Information with Neighboring Coastal States and with RFMOs
- IV.C. Authorization to Fish for Filipino/Local Vessels
- IV.D. Authorization to Fish for Foreign Vessels

V. PORT STATE MEASURES

- V.A. Advanced Notice of Access
- V.B. Inspection of Fishing Vessels at Port
- V.C. Foreign Vessels in Port Found to be Engaged in or Supporting IUU Fishing
- V.D. Denial of Port Access
- V.E. Cooperation with Port States and Regional Fisheries Management Organizations

VI. INTERNATIONALLY AGREED MARKET-RELATED MEASURES

- VI.A. Catch Documentation Schemes
- VI.B. Trade-related Measures
- VI.C. Information Dissemination

VII. RESEARCH

VIII. REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

- VIII.A. Party Compliance
- VIII.B. Nonparty Compliance

IX. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

REFERENCES

ACRONYMS AND ABBREVIATIONS

AFMA	Agriculture and Fisheries Modernization Act (Republic Act 8435)
APEC	Asia-Pacific Economic Cooperation
APFIC	Asia-Pacific Fishery Commission
ASEAN	Association of Southeast Asian Nations
BAS	Bureau of Agricultural Statistics
BFAR	Bureau of Fisheries and Aquatic Resources
BI	Bureau of Immigration
BIMP-EAGA	Brunei, Indonesia, Malaysia, Philippines – East ASEAN Growth Area
BOC	Bureau of Customs
CCRF	Code of Conduct for Responsible Fisheries
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CFBL	commercial fishing boat license
CFVGL	commercial fishing vessel and gear license
CFVL	commercial fishing vessel license
CIQ	customs, inspection and quarantine
CLEC	Coastal Law Enforcement Council
CMM	Conservation and Management Measure
CMMO	Coastal and Marine Management Office
CNFIDP	Comprehensive National Fisheries Industry Development Plan
COFI	Committee on Fisheries
CPA	Cebu Port Authority
CPC	Certificate of Public Convenience
CPR	Certificate of Philippine Registry
CVR	Certificate of Vessel Registry
DA	Department of Agriculture
DENR	Department of Environment and Natural Resources
DepEd	Department of Education

DFA	Department of Foreign Affairs
DILG	Department of the Interior and Local Government
DOJ	Department of Justice
DOST	Department of Science and Technology
DOTC	Department of Transportation and Communications
EEZ	Exclusive Economic Zone
EU	European Union
FAD	Fish Aggregating Device
FAO	Food and Agriculture Organization
FAO/s	Fisheries Administrative Order/s
FARMCs	Fisheries and Aquatic Resources Management Councils
Fisheries Code	Philippine Fisheries Code of 1998 (Republic Act 8550)
GT	gross ton/s
IBP	Integrated Bar of the Philippines
ICCAT	International Commission for the Conservation of Atlantic Tunas
IEC	information, education and communication
IMO	International Maritime Organization
INCCF	International Network for the Cooperation and Coordination of Fisheries-related MCS Activities
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
ISPFSC	International Ship and Port Facility Security Code
IUUF	illegal, unreported and unregulated fishing
km	kilometer/s
km²	square kilometer/s
LGU	Local Government Unit
LOA	Length Over All
m	meter/s

MARINA	Maritime Industry Authority
MCS	monitoring, control and surveillance
MOA	Memorandum of Agreement
mt	metric ton/s
MTPDP	Medium-term Philippine Development Plan
NACA	Network of Aquaculture Centers in Asia
NCWC	National Coast Watch Council
NCWGen	National Coast Watch Center
NAFC	National Agriculture and Fisheries Council
NAMRIA	National Mapping and Resource Information Authority
NCIE	National Commission on Illegal Entrants
NEDA	National Economic and Development Authority
NFARMC	National Fisheries and Aquatic Resources Management Council
NFRDI	National Fisheries Research and Development Institute
NGO	nongovernment organization
NIPAS Act	National Integrated Protected Areas System Act (Republic Act 7586)
NMS	National Maritime Strategy
NPOA-Capacity	National Plan of Action for the Management of Fishing Capacity
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
NSC	National Security Council
NSO	National Statistics Office
NTC	National Telecommunications Commission
OUSOC-OCO	Office of the Undersecretary for Special and Ocean Concerns-Ocean Concerns Office
PA	Provisional Authority
PCAARRD	Philippine Council for Agriculture, Aquatic and Natural Resources Research and Development
PCG	Philippine Coast Guard
PFDA	Philippine Fisheries Development Authority

PN	Philippine Navy
PNARUs	Philippine Navy Affiliated Reserve Unit
PNP-MG	Philippine National Police – Maritime Group
POEA	Philippine Overseas Employment Administration
PPA	Philippine Ports Authority
RA	Republic Act
RFMO	Regional Fisheries Management Organization
SBMA	Subic Bay Metropolitan Authority
SEAFDEC	Southeast Asian Fisheries Development Center
SP	special permit
SPC	Secretariat of the Pacific Commission
TAC	total allowable catch
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UP-MSI	University of the Philippines – Marine Science Institute
UPV	University of the Philippines in the Visayas
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WTO	World Trade Organization

EXECUTIVE SUMMARY

This document outlines the National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU) of the Republic of the Philippines. This was developed in response to the challenges posed by the International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU) that was adopted by the Food and Agriculture Organization of the United Nations in 2001.

The preparation of this document followed a participatory process where representatives from government agencies and nongovernment organizations involved in fisheries management and conservation were convened and consulted prior to its finalization. Its preparation was anchored on the premise that IUU fishing undermines conservation and management efforts of international, national and local bodies and, therefore, has to be addressed consistently and efficiently.

In the Philippines, losses from poaching alone, which is one of the most common forms of IUU fishing, have been estimated to reach PhP37 billion annually (Aguilos 1998). This is not to mention the resulting environmental degradation and ecological imbalance from IUU activities. The extent of IUU fishing in the country is briefly discussed in Section I of this document, along with the government agencies and the national laws and policies currently in effect to control and deter it.

Rooted in the Philippine situation, this NPOA-IUU is anchored on the provisions of national laws, primarily of the Philippine Fisheries Code of 1998, otherwise known as Republic Act (RA) 8550 that provides for the development, management and conservation of the fisheries and aquatic resources of the country. The drafting of this NPOA comes at a most opportune time when a mandatory review of the Fisheries Code is being undertaken. It presents opportunities to incorporate the recommendations and commitments made in the NPOA-IUU with the Fisheries Code which is the legal backbone of the fisheries sector.

IUU activities are in total contradiction to the principles and goals of the Fisheries Code. Whereas the Fisheries Code seeks to achieve food security, IUU fishing diminishes fish stocks and destroys fish sanctuaries and the marine habitat. Whereas the Fisheries Code seeks for rational and sustainable development, conservation and management of the fishery and aquatic resources in Philippine waters, IUU fishing leads to overexploitation and depletion of these resources. This NPOA-IUU points out areas that can be improved in the systems and mechanisms in the Philippine fisheries sector to reinforce the Fisheries Code's effectiveness in addressing issues that render it weak and insufficient.

This document is composed of nine sections. Section I of the NPOA-IUU gives a brief background of the IPOA-IUU and presents a profile of Philippine fisheries. Section II covers All-State Responsibilities, delving on international and national policies that aim to address all aspects of IUU fishing in an effective manner. Section III discusses measures related to Flag State Responsibilities to ensure that fishing vessels entitled to fly the Philippine flag do not engage in or support IUU fishing. Section IV, on the other hand, details Coastal State Measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone. Section V covers Port State Measures to control port access by fishing vessels in a move to prevent IUU fishing, while Section VI outlines trade-related measures adopted by Regional Fisheries Management Organizations (RFMOs) to which the Philippines is a party. Section VII describes research initiatives and efforts undertaken in the country in the field of fisheries, as well as areas for further research and collaboration in support of IUU fishing deterrence and prevention. Section VIII covers national commitments to RFMOs that are relevant to the prevention, deterrence and elimination of IUU fishing. Finally, Section IX looks into the Special Requirements of Developing Countries like the Philippines in their efforts to make progress in eliminating IUU fishing.

FOREWORD

This document is the result of the effort of the Bureau of Fisheries and Aquatic Resources, with assistance from the USAID-funded Fisheries Improved for Sustainable Harvest (FISH) Project, to develop the National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU) of the Republic of the Philippines. The NPOA-IUU was developed in response to the challenges posed by the International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU) that was adopted by the United Nations Food and Agriculture Organization (FAO) in 2001.

Preparation of this document followed a participatory process where representatives from government agencies and nongovernment organizations involved in fisheries management and conservation were convened and consulted prior to its finalization. Its preparation was anchored on the premise that IUU fishing undermines conservation and management efforts of international, national and local institutions and, therefore, has to be addressed consistently and efficiently.

The objective of this document is to outline the Republic of the Philippines' NPOA-IUU as guided by the IPOA to prevent, deter and eliminate IUU fishing. The IPOA-IUU was adopted by the Committee on Fisheries of the FAO.

This instrument compiles all measures to address various forms of IUU fishing in the country, focusing on relevant state responsibilities, flag state responsibilities, coastal measures, port measures, internationally agreed market-related measures, research and regional fisheries management organizations. It also describes the requirements for developing countries like the Philippines, reporting requirements and the role of the FAO in all these.

A startup meeting/orientation was held on 13 December 2004. It was highlighted by an IPOA-IUU briefing, which provided background information/discussion of the roots of the IPOA. A working group session was held to determine the perception and extent of IUU fishing in Philippine waters and on the high seas. The process in formulating the NPOA and draft outline was proposed. This discussion also led to the creation of a multi-sectoral working group (MSWG), comprising agencies of the executive branch and capture fisheries industry representatives. The preparation of the NPOA-IUU was facilitated by a drafting committee.

Nina Lucia Tomen, a technical writer, was contracted in April to put together and enrich the document/information on the draft NPOA-IUU. She worked closely with Atty. Annaliza Vitug until end of June 2005. While the draft was being developed, technical working group meetings were being held from time to time to review the draft NPOA-IUU and submit updates on certain issues and items in the outline.

The draft NPOA-IUU was a product of consultations and its wider circulation has been made to solicit further comments from the public and private sectors. In July 2005, a draft final version of the document was submitted by Nina Tomen.

Four interagency meetings with the participation of industry stakeholders were convened on March 8 and 14, 2013, and June 21 and 28, 2013, to review and revise the NPOA in line with recent developments particularly the adoption of the 2009 FAO Agreement on Port State Measures. A Pre-Summit was held on March 25, 2013, to gather all stakeholders for consultation. The drafting committee was guided by various stakeholders throughout the whole consultative process of drafting the NPOA-IUU. The comments generated during the national consultation have been incorporated in the final draft of the NPOA-IUU document. A National IUUF summit will be convened for the eventual adoption of the NPOA-IUUF.

NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING REPUBLIC OF THE PHILIPPINES

I. INTRODUCTION

This document outlines the Republic of the Philippines' National Plan of Action (NPOA) to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU). Rooted in realities in the Philippine setting, this NPOA was developed with the participation of stakeholders from various sectors comprising the fishing industry and takes into consideration the measures suggested in the International Plan of Action (IPOA) to prevent, deter and eliminate IUU fishing (IPOA-IUU).

I.A. FAO IPOA-IUU

The IPOA-IUU is a voluntary instrument that applies to all States and entities and to all fishers. Its main objective is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations (RFMOs) established in accordance with international law. Developed within the framework of the Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries (CCRF), it was adopted by the Committee on Fisheries (COFI) of FAO in 2001.

As part of its strategy, the IPOA-IUU calls on States to develop and implement their respective NPOA-IUU by June 2004 and give full effect to its provisions as an integral part of their fisheries management programs and budgets. The IPOA-IUU builds on the following principles and strategies to enhance its attainability:

- **Participation and coordination:** To be fully effective, the IPOA should be implemented by all States either directly, in cooperation with other States, or indirectly through relevant RFMOs or through FAO and other appropriate international organizations. An important element in successful implementation will be close and effective coordination and consultation, and the sharing of information to reduce the incidence of IUU fishing, among States and relevant regional and global organizations. The full participation of stakeholders in combating IUU fishing, including industry, fishing communities and nongovernment organizations (NGO), should be encouraged.
- **Phased implementation:** Measures to prevent, deter and eliminate IUU fishing should be based on the earliest possible phased implementation of national plans of action, and regional and global action in accordance with the IPOA.
- **Comprehensive and integrated approach:** Measures to prevent, deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdictions in accordance with international law, including port state measures, coastal state measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, where appropriate, and to cooperate in order to ensure that measures are applied in an integrated manner. The action plan should address all economic, social and environmental impacts of IUU fishing.

- **Conservation:** Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.
- **Transparency:** The IPOA should be implemented in a transparent manner in accordance with Article 6.13 of the FAO-CCRF.
- **Nondiscrimination:** The IPOA should be applied without discrimination in form or in fact against any State or its fishing vessels.

I.B. Definition of Illegal, Unreported and Unregulated Fishing

The Philippines adopts the following definitions of IUU fishing based on the IPOA:

Illegal fishing refers to activities:

- conducted by national or foreign vessels in waters under the jurisdiction of the Philippines without its permission, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of the Philippines or other States that are parties to a relevant RFMO but operate in contravention of the conservation and management measures adopted by that organization (by which the said States are bound) or relevant provisions of the applicable international law; or
- In violation of national laws or international obligations, including those undertaken by the Philippines and other cooperating States to a relevant RFMO.

Unreported fishing refers to activities:

- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations of the Philippines; or
- undertaken in the area of competence of a relevant RFMO which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

Unregulated fishing refers to activities:

- in the area of application of a relevant RFMO that are conducted by vessels without nationality, or by those flying the flag of the Philippines or other States not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- in areas or fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with the State responsibilities of the Philippines for the conservation of living marine resources under international law.

The IPOA notes that unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under the IPOA.

I.C. Profile of Philippine Capture Fisheries

The Philippine archipelago consists of more than 7,100 islands located in the western Pacific, north of the equator between latitudes 21°05' and 4°23'N and longitudes 116°00' and 127°00'E. It extends about 2,000 km in a south-north direction from the

northeast coast of Borneo to 150 km off Taiwan. The archipelago is bounded by the Pacific Ocean to the east, Sulu Sea and Celebes Sea to the south, West Philippine Sea to the west and the Philippine Sea to the north. The country's 17,460 km coastline is one of the longest in the world. The total area of territorial waters, including the exclusive economic zone (EEZ), is approximately 220 million ha or 2.2 million km². The shelf area down to the 200 m isobath covers 184,600 km² (Barut *et al.* 2004). The Philippines, located in the Southeast Asian marine biodiversity triangle, also has the richest concentration of marine life on the entire planet at different taxonomic levels (Carpenter and Springer 2005).

The significance of fisheries in the lives of Filipinos cannot be overemphasized considering its contribution to employment and food security (Luna *et al.* 2004). More than half of the animal protein in the average Filipino diet comes from fish (Espejo-Hermes 2004). The archipelagic nature of the Philippines presupposes its dependence on coastal and marine resources. In coastal areas where fishers reside, capture fisheries remain a significant contributory factor to economic and social stability. The capture fisheries sector directly employs 732,400 fishers and generated additional employment in ancillary activities, such as fish processing, marketing and boat-building (Barut *et al.* 2001). In 2011, the sector produced about 2.2 million metric tons of fishes and invertebrates, or 44% of total fish production. Through exports consisting mainly of tuna, octopus, crab and crab fat, squid, cuttlefish and round scad, the marine fisheries sector earned at least PhP17.8 billion in foreign exchange for the country (BAS 2011). In 2010, the Philippines ranked 5th among the top fish producing countries in the world with its total production of 5.16 million metric tons of fish, crustaceans, mollusks, and aquatic plants (including seaweeds). The production constitutes 3.06% of the total world production of 168.4 million metric tons (FAO website)

Two distinct sectors compose capture fisheries in the Philippines—a large-scale or commercial sector and a small-scale sector, which is also called artisanal or municipal sector.

The Philippine Fisheries Code of 1998, the country's premier law on fisheries governance, defines municipal fishing as fishing without using vessels or with vessels of 3 GT (gross tons) or less. The most commonly used gears for small-scale fishing are gill nets, hook and lines, baby trawls, beach seines and round haul seines. The municipality issues the license and fishing permits where the vessel is registered and where fishing is intended to be done. In 2011, municipal marine fishing yielded around 1.14 million metric tons valued at PhP 72.03 billion (BAS 2011)

Fishing with vessels of more than 3 GT is considered commercial fishing. Legally, commercial fishing is restricted to areas outside municipal waters or waters beyond 15 km from the shoreline. Commonly used gears for commercial fishing include trawls, bag nets, purse seines and ring nets. Large pelagics like tuna and tuna-like species such as billfish, swordfish and marlin are among the prized catch of commercial fishers. These large pelagics compose a special group of highly migratory fish capable of attaining large sizes and spend their entire life in marine waters (Barut *et al.* 2004). In 2011, commercial fishing yielded 1.03 million mt valued at PhP58.62 billion (BAS 2011).

The commercial fisheries sector has consistently produced a larger proportion of the tuna catch. Tuna fisheries became the largest and most valuable fisheries in the Philippines during the mid-1970s when *payaos* (fish aggregating devices) were introduced. The country became the number one producer of tunas in Southeast Asia in the 1980s. When the catch rate of tunas in Philippine waters started declining in the late 1980s, Filipino fishing companies started to fish in international waters. In 2001,

tuna fisheries production was about 352,500 mt or 19.7% of Philippine fisheries capture production (Barut *et al.* 2004).

I.D. Fisheries Management and Enforcement

a. Agencies and Organizations

Fisheries management in the country is addressed by various government agencies and organizations. The key agencies include the following:

Bureau of Fisheries and Aquatic Resources (BFAR) – Department of Agriculture (DA)

The BFAR is the agency primarily responsible for the regulation and management of all fisheries and aquatic resources of the Philippines. Enactment of the Local Government Code (RA 7160) and the Fisheries Code (RA 8550) focused BFAR's role on management of commercial fisheries, including the maintenance of a monitoring, control and surveillance (MCS) system and the development and implementation of industry plans. Within municipal waters, BFAR's mandate has been limited to technical assistance to local government units (LGUs) in the development, management, regulation, conservation and protection of fishery resources (Jatulan 2004).

Department of Environment and Natural Resources (DENR) – Coastal and Marine Management Office (CMMO)

The CMMO under the Protected Areas and Wildlife Bureau of the DENR is primarily tasked to coordinate and integrate all coastal management activities, specifically in policy review and formulation, coordination and integration of coastal development, implementation of coastal programs and projects, and establishment and maintenance of the coastal and marine information management system (Jatulan 2004).

Local Government Units

The Local Government Code (RA 7160) empowered the LGUs all over the country to take charge of the management and utilization of fisheries resources within municipal waters, defined as the coastal area within 15 km from the coastline. The code devolves fisheries management authority from national agencies to the LGUs in their respective jurisdictions.

Local Legislative Bodies (e.g., Municipal Council and City Council)

Such bodies may issue fisheries ordinances consistent with national laws and regulations in their respective areas of jurisdiction.

Philippine Fisheries Development Authority (PFDA)

An instrumentality of the government with corporate powers under the supervision of the DA, the PFDA is tasked with the management, operation and development of fish port complexes, ice plants, cold storages and such other post-harvest facilities under its jurisdiction.

Philippine Coast Guard (PCG)

The PCG carries out a multi-mission mandate to promote safety of life and property at sea, safeguard the marine environment and resources, enforce all applicable laws within Philippine waters, and conduct maritime security operations and other activities in support of national development. Forming part of this mandate is the express authority to assist in the enforcement of laws on fisheries and to conduct port state control implementation.

Maritime Industry Authority (MARINA)

The MARINA has jurisdiction over the development, promotion and regulation of all enterprises engaged in the business of designing, constructing, manufacturing, acquiring, operating, supplying, repairing and/or maintaining vessels or component parts thereof. It is authorized under Republic Act 9295 to register all vessels including fishing vessels, to set vessel safety standards in accordance with applicable conventions and laws and to require all domestic ship operators to comply with vessel operational and safety standards.

Philippine Ports Authority (PPA)

The PPA is the main government agency concerned with the planning and development of the country's seaports, a vital link in both domestic and international trade. The PPA's charter was amended by Executive Order (EO) 857, expanding its functions to cover the integration and coordination of port development nationwide while promoting the creation of autonomous port development bodies in trading centers in the country's various regions.

Philippine Navy (PN)

The PN is responsible for the conduct of prompt and sustained naval and maritime operations in the country. It has a four-fold mission consisting of national defense, security operations, deterrence and national development. The PN is engaged in different fisheries enforcement exercises which involve MCS.

Philippine National Police-Maritime Group (PNP-MG)

The PNP-MG is tasked with the prevention of illegal entry, smuggling, illegal fishing and violations of other maritime laws that may be committed within the territorial waters of the country. In coordination with other government agencies, it administers and enforces all laws, ordinances and regulations for the safety of life and property at sea.

Philippine Council for Agriculture, Aquatic and Natural Resources Research and Development (PCAARRD)

A sectoral council under the Department of Science and Technology (DOST), PCAARRD is responsible for the formulation of strategies, policies, plans and programs for the development of aquatic and marine resources. Likewise, it is in charge of monitoring aquatic and marine research and development projects.

National Agriculture and Fisheries Council (NAFC)

NAFC acts as an advisory body to the Department of Agriculture through policy recommendations. It is mandated to serve as forum for consultations within the agriculture and fishery sectors through its nationwide network of private sector-led local Agricultural and Fishery Councils (AFCs) and National Sectoral Committees (NSCs)

National Fisheries and Aquatic Resources Management Council (NFARMC)

The NFARMC is an advisory/recommendatory body established by the Philippine Fisheries Code to assist in the formulation of national policies for the protection, sustainable development and management of fishery and aquatic resources. It is composed of government officials and representatives of the fisherfolk, commercial fishers, aquaculture operators, fish processing sector, academe and non-government organization involved in fisheries.

Fisheries and Aquatic Resources Management Councils (FARMCs)

FARMCs operate at various levels (including national, municipal, city and barangay). They are tasked to aid government agencies in the sustainable development of fisheries and sea-based and lake-based aquaculture. Municipal and city FARMCs (M/CFARMCs) assist in the preparation of the Municipal/City Fishery Development Plan and recommend the enactment of fishery ordinances to the municipal/city council. Integrated FARMCs (IFARMCs) on the other hand are mandated to manage in an integrated manner contiguous fishery resources such as bays, gulfs, lakes, rivers and dams, which straddle several municipalities, cities or provinces in order to facilitate their management as single resource systems.

Department of Foreign Affairs (DFA) – Ocean Concerns Office

An office under the Undersecretary for Special and Ocean Concerns of the DFA, OCO is tasked to promote the development of national capabilities and institutions, including human resources, for maritime and ocean affairs. It initiates steps to harmonize and/or update domestic legislation, rules and regulations with international agreements or nonbinding instruments to which the Philippines is a party.

Office of the President – National Coast Watch Council (NCWC)

The NCWC is created by Executive Order 57 series of 2011 as the central inter-agency body that provides strategic direction, policy guidance and coordinative governance framework on all maritime issues including maritime security operations, multinational and cross-border cooperation on maritime security, capability plans and funding requirements of maritime security missions.

Philippine Coast Guard – National Coast Watch Center (NCW Center)

Established by Executive Order 57 series of 2011 and headed by the PCG, the NCW Center is tasked to plan, coordinate, monitor, evaluate, document and report the conduct of maritime security operations in accordance with the strategic directions provided by the NCWC and serves as the coordinating body for maritime surveillance or response operations and maritime security information consolidation and dissemination.

b. National Laws and Policies

Fisheries management and enforcement in the country is faced with a variety of issues and concerns, which include: inadequate statistical and biological information, overfishing, illegal fishing, coastal habitat degradation, and conflicts between and among commercial and municipal fishers, impact of fish imports, post-harvest losses and institutional constraints. Existing national laws and policies provide the foundation for addressing this host of issues and concerns. Highlights of the Fisheries Code, the main national law covering fisheries governance, are given below. Other national laws complementing the Fisheries Code and relevant to fisheries management and enforcement are given in Part 2.2 of this NPOA-IUU.

RA 8550, otherwise known as the Philippine Fisheries Code of 1998, was enacted by the Philippine Congress in 1998.

The Fisheries Code is, at present, the legal backbone of the fisheries sector. It emphasizes food security as the overriding objective for the sustainable use of fisheries resources. It retains the provision of exclusive utilization of fisheries and aquatic resources to Filipino citizens consistent with the 1987 Philippine Constitution.

The Fisheries Code institutionalizes a general policy goal of limiting access through quantity (total allowable catch), gear, time and area restrictions. It provides for the protection of the rights of fisherfolk and small communities; the management of resources in line with integrated coastal area management concepts and principles; and partnerships among government, private sector and communities.

A significant reform embodied in the Code is the devolution of management of municipal fisheries resources to the LGUs. This necessitates the employment of participatory schemes to develop the knowledge and capability of stakeholders and LGUs, consistent with provisions of the Local Government Code of 1991. The Fisheries Code, likewise, mandates the establishment of a comprehensive fisheries information system at the national, regional and local levels to collect, store and retrieve fisheries data.

The municipality/city government, by virtue of Section 16 of the Fisheries Code, has jurisdiction over municipal/city waters. These LGUs are responsible for the management, conservation, protection, utilization and disposition of all fish and fishery/aquatic resources within their respective waters, subject to consultation with the duly constituted municipal/city FARMCs. It is therefore the duty of the LGUs to enforce all fishery laws, rules and regulations as well as valid fishery ordinances enacted by the municipality/city council.

The LGUs are required to maintain a registry of municipal fisherfolk, who fish in their municipal waters for the purpose of determining priorities among them, limiting entry, monitoring fishing activities and/or other related purposes. In addition, the LGUs can grant demarcated fishery rights to fishery organizations/cooperatives for mariculture operations. Consequently, whenever it is determined by the LGUs and the DA that an area is overfished or in danger of being overfished based on available information, the LGUs can prohibit or limit fishery activities in the said area.

Significant support for municipal fisheries incorporated in the Fisheries Code include: the promotion of community-based coastal resource management; control of fishing effort consistent with sustainable yields; encouragement of fisherfolk to enforce fishery laws; involvement of LGUs, NGOs and communities in management and awareness-building; and provisions for alternative livelihood. In addition, protection of coral reefs and mangrove areas is encouraged together with replanting of denuded mangroves, and establishment of fish sanctuaries, establishment of closed areas and closed seasons for selected gears, vessels and species.

Various support and management measures have been included in the Fisheries Code for commercial fisheries. These include management of *payaos* (fish aggregating devices); protection of juveniles and spawning grounds; regulation of mesh sizes and the use of superlights; support to fishing operations in international waters; and early action and resolution of issues pertaining to disputed fishing grounds and territories.

Highly relevant to commercial fisheries is the licensing system, the principal tool for fisheries management, which requires a license to fish and to operate a fishing vessel. The fishing gears used for commercial fishing are also required to be registered. For commercial fisheries, the Fisheries Code decrees that the registration, documentation, inspection and manning of all types of fishing

vessels plying Philippine waters shall be in accordance with existing maritime laws, rules and regulations.

I.E. Economic Development Plan for the Fisheries Sector

a. Philippine Development Plan

The Philippine Development Plan for 2011 to 2016 envisions a competitive, sustainable and technology-based fisheries sector driven by productive and progressive fisherfolk, supported by efficient value chains and well-integrated in the domestic and international markets. The plan's emphasis on inclusive growth is also incorporated into the specific plans for the sector. The goals of the plan are to achieve within the term:

- Improved food security and increased rural incomes;
- Increased sector resilience to climate change risks; and,
- Enhanced policy environment and governance

To achieve the first goal, the plan aims to increase productivity and incomes of fishery-based households by giving priority to the completion of the delineation of municipal waters for better resource management and by optimizing productivity in mariculture parks and broadening the aquaculture base. Another strategy is market development, improvement of post-harvest facilities and enhancement of regulatory competence. There is also focus on strengthening research, development and extension and the sector's access to credit mechanisms.

Strategies to increase the sector's resilience to climate change risks include promoting Good Aquaculture Practices and restoration of fishing grounds, and stocks through investment in climate change-responsive fisheries technologies and products and promotion of viable and competitive fishery products that can tolerate climate variability. Other key strategies include the establishment of climate resilient infrastructure, strengthening of extension and support services to raise knowledge and capacity to adopt climate-sensitive fishing technologies, and improvement of insurance systems to mitigate financial losses due to climatic events.

Moreover, a good policy environment and enhanced governance conducive to attaining these goals will be realized through the National Convergence Initiative (NCI) and the use of effective common management strategy among agencies involved, budgetary reforms, public private partnerships and review of laws and policy issuances.

b. Long-term Fisheries Industry Development Plan

In line with Section 65 of the Philippine Fisheries Code, a Comprehensive National Fisheries Industry Development Plan (CNFIDP) has been developed through a participatory process involving BFAR and various stakeholders. The CNFIDP envisions a sustainable and competitive fisheries industry that contributes to food security and provides optimum socio-economic benefits to Filipinos that shall be attained through effective and multi-sectoral collaboration and partnership arrangements that empower communities and other stakeholders for responsible stewardship of Philippine fisheries resources and ecosystems. Its long-term goal is to sustain the industry's socio-economic benefits without jeopardizing the fishery resources and the associated habitats in the most administratively efficient and cost-effective manner.

The broad thrusts of the plan are to rationalize utilization of fishery resources, protect fishery habitats, reduce resource use competition, maximize full potential of aquaculture, promote competitiveness of fishery products, and maximize post-harvest losses. The implementation of this NPOA-IUU is one of the significant medium-term components of the CNFIDP.

I.F. Impact of IUU Fishing on Philippine Fisheries

IUU fishing in the Philippines is believed to be widespread although its actual magnitude remains to be quantified. Chapter 6 of the Philippine Fisheries Code outlines all prohibited acts related to fishing and exploitation of aquatic resources. These include, among other violations, the following: unauthorized fishing (fishing without license, lease or permit); poaching; fishing using explosives, noxious/poisonous substances and electricity; use of fine mesh nets; use of active gear in municipal waters, bays and other fishery management areas; coral exploitation and export; fishing using methods and gears destructive to coral reefs; illegal use of superlights; fishing in fishery reserves, refuges and sanctuaries; and fishing/taking of rare, threatened or endangered species. The most common forms of IUU fishing in the Philippines are briefly described below:

a. Poaching

Poaching (or the fishing/operation of any foreign vessel in Philippine waters) is punishable by Philippine law, as provided for by Section 87 of the Fisheries Code. Violation of the said provision merits a penalty of US\$100,000, in addition to confiscation of the catch, fishing equipment and fishing vessel. Despite this provision, poaching remains a major problem in the Philippines, where poachers employ various tactics such as bareboat chartering and falsification of papers. The PNP-MG estimates the annual losses due to poaching at PhP37 million (Aguilos 1998).

b. Cyanide Fishing

Cyanide fishing began in the aquarium trade in the 1960s and is increasingly used in catching live food fish in the 1980s. The quick cash from this illegal activity has made it irresistible among fishers, leading to a peak in its popularity in the early 1990s. Major markets for catch from cyanide fishing are Hong Kong SAR and Southern China. An estimated 4,000 cyanide divers use at least 65 mt of cyanide for fishing in vast areas of Philippine coral reefs every year. Government action in the regulation of the live fish trade and the suppression of cyanide use has contributed to the gradual decline of this IUU practice in recent years (Barber and Pratt 1997; Mamaug 2004, Ochavillo *et al.* 2004).

c. Blast Fishing

Blast fishing in the Philippines is deeply rooted and existed even before World War II. Agricultural fertilizers (ammonium nitrate, potassium nitrate and sodium nitrate) mixed with kerosene are the most common ingredients used, along with battery-operated pipe bombs that suppress the sound of explosion. About 70,000 fishers are suspected to be involved in blast fishing (Siefert 1999). The popularity of the practice results from a relatively high short-term financial and labor productivity, causing those involved in it to ignore the destruction it brings about to coral reefs and other coastal habitats (White and Cruz-Trinidad 1998).

d. Aquatic Pollution

Aquatic pollution is an unlawful act under Section 102 of the Fisheries Code. Dumping/disposal of waste and other marine litters and the discharge of petroleum or residual products of petroleum or carbonaceous

materials/substances and other radioactive, noxious or harmful liquid, gaseous or solid substances from any water, land or air transport or other human-made structure constitute aquatic pollution under the Fisheries Code. Deforestation, unsound agricultural practices, intensive use of artificial fish feed, and wetland conversion are likewise regarded as aquatic pollution. Such acts are punishable by imprisonment (from 6 years and 1 day to 12 years) and/or a fine of PhP80,000 plus an additional fine of PhP8,000 per day until violation ceases. PCG Memorandum Circular No. 03-94 likewise contains provisions for the prevention, containment, abatement, and control of marine pollution in accordance with the International Convention for the Prevention of Pollution from Ships, MARPOL 73/78.

e. Unauthorized Fishing

Unauthorized fishing involves any fishery activity conducted in Philippine waters without a license, lease or permit. Likewise, it is considered unlawful under Section 86 of the Fisheries Code for any commercial fishing vessel to fish in bays and areas declared as overexploited along with engagement in any commercial fishing activity in municipal waters of any person not listed in the registry of municipal fisherfolk.

f. Compressor and *Muro ami* fishing

Banned under Section 92 of the Philippine Fisheries Code, *muro-ami* fishing involves skin-divers diving to often dangerous depths to pound the easily broken corals with rocks or pipes to scare fish into a large waiting net. Compressor fishing, on the other hand, gained popularity as an alternative method to *muro-ami*. It involves the use of surface air compressors as breathing apparatus for divers. The practice was banned in 2002 through DILG Memorandum Circular 2002-129 mainly due to its hazardous effects that often resulted in paralysis and loss of lives on the part of the divers.

g. Unreported and Unregulated Fishing

Nonreporting, misreporting, and under-reporting of catches compose unreported fishing, which is a serious concern for some industry subsectors. Together with this is the concern about unregulated fishing that is aggravated by the inadequacies of fisheries management in the country.

Instances of unregulated fishing committed by Filipino pumpboat owners have been reported and documented in Philippine and Indonesian waters. Estimated to have reached 8,000-9,000 units as of 2003, Filipino pumpboat operators have been continually refusing to comply with registration and manning requirements imposed by Philippine agencies. Their unregulated fishing activities in Indonesian waters have been causing strains in bilateral relations. Records at the DFA in Davao City show that about 2,140 fishers have been repatriated from Palau, Indonesia and Micronesia since 1995 (DFA 2004).

The Philippine Fisheries Code does not contain provisions addressing unreported and unregulated fishing in the Philippines. Gaps in fishery laws have led some industry subsectors to opt for nonregistration of their vessels, nonreporting of catches and nonpayment of taxes. Such situation has made it difficult for government to regulate and control fishing activities.

The enactment in 2007 of Republic Act 9379 or the Handline Fishing Law addresses the gap by providing a governance framework specific to the subsector. The law mandates the promulgation of specific policies and procedures for handline fishing and handline fishing boats and the promotion of

sectoral competitiveness, sustainability and social development while ensuring the safety and seaworthiness of handline fishing boats by means of strengthened rules and regulations.

To contend with IUU fishing in the Philippines, the government depends on agencies charged with enforcing fisheries laws including BFAR, PN, PCG, PNP-MG and LGUs. In some municipalities, creative ways of law enforcement are employed in the form of volunteer groups deputized as fish wardens known as *Bantay-Dagat*. Coastal Law Enforcement Councils (CLECs), composed of representatives from various government agencies as well as coastal communities, are organized in some areas. Still, the system is not without gaps. There is the perception that some laws and their corresponding penalties are not enforceable (e.g., imposition of a US\$100,000 penalty for poaching). Interagency arrangements aimed at facilitating arrest and prosecution of violators can sometimes hamper the delivery of justice (e.g., procedure to inform the DFA causes delay in prosecution). This NPOA-IUU is, thus, seen as a proper instrument that can guide the Philippines in enhancing its systems and mechanisms in addressing the issue of IUU fishing that undermines efforts for improved management of its fisheries.

I.G Scope of the NPOA-IUU of the Philippines

This NPOA-IUU adopts the structure of the IPOA-IUU, detailing responses to its challenges in the context of the Philippine situation. It covers the following areas: All-State Responsibilities, Flag State Responsibilities, Coastal State Measures, Port State Responsibilities, Internationally Agreed Market-related Measures, Research, Regional Fisheries Management Organizations and Special Requirements of Developing Countries.

Under the Philippine setting, implementation of the Fisheries Code (which is the primary instrument for sustainable and responsible utilization of the country's fishery and aquatic resources) is complemented by efforts of various government agencies to carry out their mandates covering utilization, management, and protection of fisheries resources. Moving in partnership with the national government are the LGUs and fishing communities along with stakeholders in the fishing industry.

This NPOA-IUU features current measures and efforts that are undertaken to address the issue of IUU fishing in consonance with the challenges posed by the IPOA-IUU. Where gaps and areas for improvement are identified, specific actions are adopted in order to attain the goal of eliminating, deterring and preventing IUU fishing. A "summary of commitments" made by the country under this NPOA-IUU is given in Annex A, together with the list of responsible agencies.

II. ALL-STATE RESPONSIBILITIES

II.A. International Instruments

The IPOA-IUU enjoins States to:

- give full effect to relevant norms of international law, in particular, as reflected in the 1982 UN Convention, in order to prevent, deter and eliminate IUU fishing.
- ratify, accept or accede to, as appropriate, the 1982 UN Convention, the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement.
- implement fully and effectively all relevant international fisheries instruments which they have ratified, accepted or acceded to.

- implement fully and effectively the Code of Conduct and its associated International Plans of Action.
- implement fully their obligations under Part VII of the 1982 UN Convention to take measures with respect to their nationals as may be necessary for the conservation of the living resources of the high seas.

Cognizant of global efforts to promote sustainable fisheries, the Philippines has signed or ratified various multilateral, regional and bilateral agreements, moving to integrate these commitments in both the policy and operational levels. It has aligned its maritime zone legislation within the framework of the 1982 UN Convention on the Law of the Sea, which it ratified in 1984, with the enactment of Republic Act 9522 in 2009. Having signed the 1995 Fish Stocks Agreement on July 28, 1994, it will work on its ratification as well as its accession to the 1993 FAO Compliance Agreement.

Other relevant multilateral agreements ratified by the Philippines include the Convention on Biological Diversity, Convention on International Trade in Endangered Species, Convention on the Conservation of Migratory Species of Wild Animals, Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and the General Agreement on Tariffs and Trade of the World Trade Organization.

The Philippines considers itself duty-bound to implement the voluntary prescriptions in the FAO Code of Conduct for Responsible Fisheries (CCRF), and has entrusted this responsibility to the National Marine Fisheries Development Center, in collaboration with BFAR's Capture Fisheries Technology Division, Aquaculture Division and Fisheries Resources Management Division. With the alarming trend in its capture fisheries where catch rates have declined with increasing intensity of fishing, developing a National Plan of Action for the Management of Fishing Capacity (NPOA-Capacity) is foremost in its policy agenda. The NPOA-Capacity is deemed an appropriate follow-through to the one-year moratorium imposed in 2004 on the issuance of authorization to fish for new entrants in commercial fisheries. Apart from the CCRF, the Philippines also adheres to the 1992 United Nations Conference on Environment and Development (UNCED) Agenda 21, after which it has patterned its Philippine Agenda 21 as a blueprint for the country's sustainable development. The Philippine Council for Sustainable Development oversees implementation of the Philippine Agenda 21.

The Philippines has agreed to cooperate at the regional level by becoming a member of several regional bodies. The country is a member of the Asia-Pacific Fishery Commission (APFIC) which promotes full and proper utilization of the living aquatic resources of the Asia-Pacific region, the Network of Aquaculture Centers in Asia (NACA) which promotes rural development through sustainable aquaculture, and the Southeast Asian Fisheries Development Center (SEAFDEC) which specializes in research, training and information services for the rational utilization and development of fisheries resources. It is likewise a member of the Association of Southeast Asian Nations (ASEAN); the Brunei, Indonesia, Malaysia, Philippines – East ASEAN Growth Area (BIMP-EAGA); and the Asia-Pacific Economic Cooperation (APEC) which have fisheries working groups that identify directions and opportunities for cooperation in the fisheries sector among its members.

Tuna being one of its dominant fisheries export products, the Philippines deems it necessary and important to maintain active membership in regional fisheries management organizations mandated to manage tuna and tuna-like species. It is a member of the Indian Ocean Tuna Commission (IOTC) and the International Commission for the Conservation of Atlantic Tunas (ICCAT) and a cooperating nonmember party to the Commission on the Conservation of Southern Bluefin Tuna (CCSBT). It has also ratified the Convention on the Conservation and Management of

Highly Migratory Fish Stocks of the Western and Central Pacific Ocean (WCPFC) in May 2005.

Since 1974, the Philippines has had fourteen bilateral fisheries cooperation with ten countries. It recently concluded agreements on fisheries cooperation with the Ministry of Agriculture of the People's Republic of China, the Government of the Republic of Indonesia and the National Fisheries Authority of the Independent State of Papua New Guinea, which entered into force on February 25, 2005, February 23, 2006, and July 16, 2010, respectively.

II.B. National Instruments

The IPOA-IUU calls for national legislations that:

- should address in an effective manner all aspects of IUU fishing.
- should address, *inter alia*, evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies.

a. Legislation

To ensure that fisheries policies and guidelines remain responsive to changing situations, the Fisheries Code, which provides the main legal basis for fisheries management and prevention of IUU fishing, is due for review every 5 years. There is an ongoing review that takes into consideration the agreements, treaties and plans of action that the Philippines has committed itself to, including the IPOA-IUU. This provides an opportunity to assess policies and progress pertaining to IUU fishing, including their enforceability and social acceptability.

The Fisheries Code is implemented in conjunction with other legal instruments. Other legislations relevant to IUU fishing that are currently in effect in the Philippines include the following:

1) RA 7160 (The Local Government Code of 1991)

Though not a fisheries law, it spells out guidelines for local autonomy and decentralization, including devolved fishery functions.

2) RA 7586 (The National Integrated Protected Areas System – NIPAS Act)

Promulgated in June 1992, the NIPAS Act provides for the establishment and management of protected areas in the Philippines. It serves to protect remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals representative of biogeographic zones and related ecosystems.

3) RA 8435 (The Agriculture and Fisheries Modernization Act [AFMA] of 1997)

The AFMA deals with fisheries as a component of the entire agricultural sector. It seeks to develop the agriculture and fisheries sector consistent with the following objectives: poverty alleviation and social equity; food security; rational use of resources; global competitiveness; sustainable development; people empowerment; and protection from unfair competition.

4) RA 8792 (The Electronic Commerce Act of 2000)

Intended to facilitate domestic and international dealings and transactions, the e-commerce law provides for the admissibility and evidential weight of electronic data message and electronic documents. It covers both commercial and noncommercial activities, and is applicable to fisheries-related transactions.

5) RA 9054 (The New Organic Act for the Autonomous Region in Muslim Mindanao)

This act provides autonomy to the Muslim Mindanao region. It authorizes the Regional Assembly to enact its own fisheries code in order to develop and protect the marine and aquatic resources and to protect the rights of subsistence fisherfolk in the preferential use of fishery resources.

6) RA 9147 (The Wildlife Resources Conservation and Protection Act)

Complementing the Fisheries Code in the management of fisheries resources, particularly aquatic wildlife, is RA 9147. It provides for the conservation and protection of wildlife resources and their habitats for purposes of sustainability. It aims to: promote ecological balance; enhance biological diversity; regulate the collection and trade of wildlife; and pursue Philippine commitments to international conventions.

7) RA 9993 (The Philippine Coast Guard Law of 2009)

RA 9993 specifically directs PCG to assist in the enforcement of laws on fisheries and other applicable laws within the maritime jurisdiction of the Philippines. As such, the law established the function to enforce the Fisheries Code and the relevant rules and regulations as an inherent responsibility of PCG.

RA 9993 also mandates PCG to conduct port state control (PSC) implementation, which is the relevant authority for enforcing provisions of international conventions on IUUF upon foreign-flagged vessels calling at Philippine ports.

(8) RA 10175 (Cybercrime Prevention Act of 2012)

Section 6 of RA 10175 expands the scope of the law to include all crimes penalized by the Revised Penal Code and special laws, if committed by, through and with the use of information and communications technologies. However, questions on the constitutionality of several provisions of the law have been raised before the Supreme Court, who decided to extend for an indefinite period a restraining order against the law's implementation.

The Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC), which took effect on April 29, 2010, was formulated in response to the long felt need for more specific rules that can sufficiently address the procedural concerns that are peculiar to environmental cases. As an evidentiary standard, it adopts the precautionary principle in cases when there is a lack of full scientific certainty in establishing a causal link between human

activity and environmental effect. The factors to be considered include (1) threats to human life or health; (2) inequity to present or future generations; or (3) prejudice to the environment without legal consideration of the environmental rights of those affected.

The Rules also allow photographs, videos and similar evidence of events, acts, transactions of wildlife, wildlife by-products or derivatives, forest products or mineral resources subject of a case for violation of an environmental law when authenticated by the person who took the same, by some other person present when said evidence was taken, or by any other person competent to testify on the accuracy thereof.

Readings, printouts, displays, pictures, digital images and satellite communication feeds produced by new technologies such as automatic location communication devices and global positioning systems may qualify as similar evidence, which are admissible in the criminal prosecution of fishery law violations.

b. State Control Over Nationals

Under this section, the IPOA-IUU calls on States to:

- take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing.
- cooperate to identify those nationals who are operators or beneficial owners of vessels involved in IUU fishing.
- discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag state responsibilities

The registration and licensing schemes being employed in both municipal and commercial fisheries currently serve as the main deterrent to IUU fishing. Legally, registration is distinct from licensing. In registration, municipal fishers are required to enlist in a registry of municipal fishers being maintained by the LGU for purposes of determining allocation priorities, limiting entry into municipal waters and monitoring fishing activities. Commercial fishers are obliged to register their fishing vessels with the MARINA before securing their licenses to fish from BFAR. In both municipal and commercial fisheries, registration is merely a prelude to licensing. It is the license that grants municipal and commercial fishers the right to gain access to the fishery and to engage in fishing.

The 1987 Constitution reserves the use and enjoyment of the country's marine wealth exclusively to Filipino citizens. Thus, licenses to engage in municipal and commercial fishing are only being issued to citizens of the Philippines and duly registered corporations or entities, the capital stock of which is at least 60% Filipino-owned.

The Philippines, through the MARINA, will maintain a registry of operators or beneficial owners of fishing vessels flying its flag, including their nationality. To ensure that Filipinos licensed to operate fishing vessels are not engaged in IUU fishing, the Philippines (through properly designated authorities) will strictly enforce the terms and conditions of their license. These terms include the submission of logbook sheets where information on fishing operations and fish catch is required; non-obstruction of BFAR law enforcement officers during boarding procedures for inspection or documentation; and possession of valid

Certificate of Clearance before departure for the fishing ground, which is issued after inspection by a Fisheries Officer of the vessel and its crew. The BFAR shall also include as one of the terms and conditions of the fishing license that the licensee shall not engage in IUU fishing or engage in activities that support IUU fishing.

Since the licensing system for commercial fishers entails prior clearances from other government agencies, a collaborative instrument or Memorandum of Agreement (MOA) among BFAR, MARINA, PCG and the National Telecommunications Commission (NTC) took effect in 2004, which was renewed in 2012 for a period of six years. The MOA commits these agencies to maintain a uniform and relational database of municipal and commercial fishing vessels, institutionalize the creation of joint mobile registration and licensing teams to expedite the registration and licensing of commercial fishing vessels and engage in continuous dialogue and joint undertakings for information exchange and sharing of databases to deter and eliminate IUU fishing. They also are bound to deny clearance or permission for a commercial fishing vessel to depart from port when included in the BFAR IUU list and to manage fishing capacity in a coordinated manner and ensure compliance with conservation and management measures at the national, regional and international levels.

The LGUs will have to enact enabling ordinances to entrench registration and licensing of municipal fishers and their vessels as tools to curb IUU fishing. The BFAR will actively engage the Leagues of Municipalities and Cities and the fisherfolk representative to the National Anti-Poverty Commission in continuous dialogue and information, education and communication campaigns, including the drafting of a model ordinance so that legislation of the requisite ordinances will be facilitated. In support to the LGUs, BFAR launched the Municipal Fisherfolk Registration System (MFRS) in July 2013, which is an online registration system of municipal fisherfolk to be undertaken in all coastal municipalities.

The DA, through BFAR and the NFARMC, will formulate guidelines to delineate municipal waters for municipalities with offshore or outlying islands or islets. This will facilitate better fisheries management and prevent unauthorized fishing by commercial fishing vessels in municipal waters. The LGUs will be encouraged to pass ordinances based on these guidelines to demarcate and delimit their municipal waters. Marking and color coding of fishing vessels, zoning of fishing grounds and limiting the number of licenses to be issued based on sustainable levels of fishing effort, will also be pursued.

The Philippines will encourage cooperation and information exchange with neighboring countries to enhance control over Filipinos involved in IUU fishing. In the ongoing review of the Fisheries Code, a provision will be included that will deem it unlawful for Filipinos to engage in any fishing activity that violates the fishery conservation and management laws of any other State or that undermines the effectiveness of conservation and management measures adopted by an RFMO.

c. Vessels Without Nationality

In this section, the IPOA-IUU enjoins States to take measures consistent with international law in relation to vessels without nationality on the high seas involved in IUU fishing.

The Philippines is a member of the International Maritime Organization (IMO). As such, it supports IMO efforts to prevent vessels from becoming stateless during their transfer to a new flag. The Philippines is duty-bound to pass on any information received about vessels operating without nationality to neighboring States and relevant RFMOs.

d. Sanctions

The IPOA-IUU calls on States to:

- ensure that sanctions for IUU fishing by vessels and nationals under their jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing.
- ensure the consistent and transparent application of sanctions.

While sanctions under the Fisheries Code have been upgraded from previous levels, it is generally felt that these are still not proportionate to the environmental damage and social impact wrought by IUU activities. The cost of enforcement and the damage done are not factored into the current rates of penalties, which remain the same while the Fisheries Code is in effect, until ultimately their deterrent value is eroded. For instance, the penalty for unauthorized fishing is a fine equivalent to the value of the catch or PhP10,000 (about US\$185) and six months imprisonment of the vessel captain or three of the highest officers of the vessel. Thus, in the ongoing review of the Fisheries Code, an automatic escalation clause will be incorporated similar to that in the Wildlife Act, which states: *"The fines herein prescribed shall be increased by at least ten percent (10%) every three years to compensate for inflation and to maintain the deterrent function of such fines."*

To expedite the resolution of cases involving minor offenses, new measures particularly on administrative penalties will be introduced into the Fisheries Code such as revocation of licenses, imposition of fines, confiscation of boat and gear and service to the community.

While several minor offenses will be decriminalized and will be sanctioned administratively, IUU fishing in the high seas and in coastal waters of other States will be introduced as new statutory offenses. Poaching shall remain a criminal offense and will be prosecuted to the fullest extent of the law. Since there are two remedies against poaching, one criminal and the other administrative, the administrative remedy will be further strengthened in the ongoing revision of the Fisheries Code by way of authorizing the DA to automatically confiscate the foreign fishing vessel, its paraphernalia, equipment and fishing gear, and to compound the offense until full settlement of the administrative fine, which will also be subject to an escalation clause.

The designation of special courts to try, hear, and decide environmental cases, under Administrative Order No. 23-20081 of the Supreme Court, which took effect on January 28, 2008, expedites the resolution of cases. This will be complemented by continuous specialized training programs on environmental laws, particularly on fishery laws, rules and regulations for State prosecutors, judges and fisheries law enforcers.

Similarly, a special prosecutorial unit within the Department of Justice shall be created to handle green or environmental law cases to further bolster the fight against IUU fishing.

e. Noncooperating States

The IPOA-IUU calls on States to take all possible steps, consistent with international law, to prevent, deter and eliminate the activities of non-cooperating States to a relevant regional fisheries management organization which engages in IUU fishing.

The Philippines will implement actions taken by RFMOs of which it is a member or a cooperating nonparty, against any noncooperating State which engages in or supports IUU fishing.

f. Economic Incentives

The IPOA-IUU challenges States to avoid conferring economic support, including subsidies to companies, vessels or persons that are involved in IUU fishing

Economic incentives in the form of technology and research, credit, production and marketing assistance and other services are pledged to artisanal and small-scale fishers to help improve their conditions. The commercial fishing industry has its own share of economic incentives in the form of direct and indirect subsidies, tax breaks and rebate on fuel oil tax through the Department of Finance to improve capacity to travel farther offshore and explore underdeveloped fisheries especially in the Philippine EEZ.

The Philippines will revoke incentives of entities found to have engaged in IUU fishing. BFAR shall include as one of the terms and conditions of the fishing license, the revocation of economic incentives of fishing entities found to have engaged in IUU fishing

g. Monitoring, Control and Surveillance

The IPOA-IUU calls on states to undertake comprehensive and effective MCS of fishing from its commencement, through the point of landing, to final destination

The Philippines is slated to develop an appropriate, administratively feasible MCS system as stipulated in Section 14 of the Fisheries Code. Currently, MCS is carried out by a variety of agencies with specific mandates in fisheries law enforcement.

For monitoring (fisheries data/information collection and analyses), participating institutions include BFAR, LGUs, FARMCs and the academe. Current initiatives include the application of monitoring tools (e.g., licensing system, fish catch reporting system), resource assessment projects like the National Stock Assessment Program, fisheries information systems like the Ocean Color for Sustainable Fisheries and the Philippine Fisheries Information System.

For control (fisheries legal/regulatory framework), institutions involved are BFAR, LGUs, the House of Representatives, Senate and the Office of the

President. Control is carried out through the policy issuances on fisheries including those covered in Section I on All-State Responsibilities under national legislations (e.g., Fisheries Code, AFMA and FAOs and municipal ordinances).

Surveillance, on the other hand, is a function of BFAR, LGUs, PN, PCG, PNP, PNP-MG, and the Bantay-Dagat (deputized fish wardens). Current surveillance activities involve land-based and sea-borne operations. A variety of surveillance approaches (including visibility patrol, foot patrol and directed raids) are employed. In addition, information and education campaigns against unsustainable fishing activities are conducted to enhance policy compliance.

For its part, BFAR has a National and Regional MCS System for the protection of marine resources and environment. The system has three components – land, sea and air – involving the acquisition of necessary equipment to enhance MCS capabilities. The implementation of the MCS System has been decentralized at the Regional Fisheries Offices.

The Philippines complies with the MCS requirements of RFMOs to which it is a party. A Vessel Monitoring System (VMS) is already in place and is being implemented in accordance with the requirements of RFMOs such as the WCPFC, ICCAT and IOTC. The VMS covers Philippine flagged fishing vessels operating in High Seas Pocket Number 1 and fishing grounds under the jurisdiction of other RFMOs.

Several trainings have been conducted by BFAR for the implementation and management the VMS, which functions are primarily being undertaken by the National and Regional Fisheries Monitoring Centers.

Through Fisheries Administrative Order 241, all Philippine flagged fishing vessels operating in the high seas are required to install transponders. Within the Philippine EEZ, the VMS has been tested on selected purse seine, ring net and longline fishing vessels.

Also forming part of the MCS program is the Philippine Fisheries Observer Program (PFOP), which was initiated in 2009 in compliance with WCPFC CMMs 2007-01 and 2008-01. In September 2010, the program was audited by the WCPFC and was recognized as a WCPFC Regional Fisheries Observer Program. Full implementation became possible in 2011 with the enactment of Fisheries Administrative Orders 236, 236-1 and 240, which require the deployment of fisheries observers in purse seine and ring net fishing vessels from July to September during the Fish Aggregating Device (FAD) fishing closure in Philippine waters and the high seas. In compliance with WCPFC CMM 2011-01 and Fisheries Administrative Order 245, VMS and PFOP coverage are mandatory on Philippine-flagged catcher and carrier vessels authorized to operate in High Seas Pocket Number 1 – Special Management Area (HSP1-SMA).

The nation-wide *Bantay-Dagat* Program (Guardians of the Sea) spearheaded by LGUs and composed of volunteer artisanal fishers, municipal FARMC members and composite law enforcement teams from the BFAR, PCG and PNP-MG as well as the CLECs in Bohol are an example of innovative participatory schemes for MCS. To date, the Bantay Dagat Program has awarded 141 small patrol boats and 43 boats under PL 480 that enable deserving coastal communities to effectively protect and manage their marine resources.

The CLECs on the other hand, have their respective law enforcement plans implemented by a composite coastal law enforcement team of representatives from BFAR, PCG, PNP-MG, the provincial government and the coastal municipalities. The success of the CLECs, as evident in increased patrols, arrests and filed cases have gained for them support from the communities (Guidote 2004).

The Philippines will also explore innovative concepts such as self-regulation on the part of municipal and commercial fishers anchored on rights-based fisheries regimes. Empowered as user-owners, fishers can be expected to act as stewards of the country's marine and coastal resources, there to guard and protect their fishing grounds against IUU activities.

A Philippine MCS network will also be organized to be composed of *Bantay-Dagat*, law enforcement agencies, BFAR, MARINA, LGUs, DFA-MOAC, DOJ, NGOs, port authorities, judiciary and industry representatives that will annually identify targets and synchronize policies and enforcement efforts, share resources and information, and establish an integrated MCS plan to prevent and eliminate IUU fishing. The BFAR will be the lead agency responsible in convening the network and performing secretariat functions. Each of these agencies and institutions will identify focal persons to ensure the efficiency and consistency of the network's plans and actions.

The BFAR in coordination with other law enforcement agencies is in the process of implementing the Fisheries Law Enforcement Manual of Operation, which contains the protocol for information gathering and surveillance, protocol during pre-operations, operations and post operations stage for seaborne, mobile checkpoints, market denial, landing denial, importation and exportation of fish and other fishery/ aquatic products and for aquatic pollution as well as the operation procedure from crime detection to apprehension to seizure of evidence up to case filing before the Office of the Prosecutor. It likewise contains the procedure on the disposition of seized items pending the criminal case, as a result of a valid law enforcement operations.

II.C. National Plan of Action

The IPOA encourages States to:

- develop and implement NPOAs to further achieve the objectives of the IPOA and give full effect to its provisions as an integral part of their fisheries management programs and budgets; NPOAs should include actions to implement initiatives adopted by relevant RFMOs to prevent, deter and eliminate IUU fishing; and encourage full participation and engagement of all interested stakeholders.
- review implementation of the NPOA at least every 4 years after its adoption for the purposes of identifying cost-effective strategies to increase their effectiveness and take into account reporting obligations to FAO.
- ensure that national efforts to prevent, deter and eliminate IUU fishing are internally coordinated.

This NPOA was developed in response to the challenges posed by the IPOA. It aims to fulfill the objective of deterring, eliminating and preventing IUU fishing in the Philippines as part of a bigger effort at the international level. This NPOA is a fruit of deliberations and consultations among key players and stakeholders in the Philippine fishing industry. To ensure that national efforts are internally coordinated, this NPOA will be elevated to the level of an EO from the President, thereby institutionalizing the reforms,

mechanisms and commitments contained herein. Details of the proposed actions will be clearly outlined and defined by a Committee which will be created to provide for an orderly orchestration of actions by all those involved in curbing IUU activities in the Philippines. After adoption, this NPOA-IUU will be due for mandatory review at least once every 4 years and as often as may be deemed necessary for it to remain responsive to the changes and developments in the industry.

II.D. Cooperation between States

The IPOA-IUU calls on States to:

- coordinate their activities and cooperate directly through relevant RFMOs in preventing, deterring and eliminating IUU fishing.
- make available to FAO and to other States and relevant regional and international organizations, information about vessels deleted from their records or fishers whose authorization to fish has been cancelled and the reasons therefore.
- nominate and publicize initial formal contact points.
- consider entering into agreements or arrangements with other States for the enforcement of applicable laws, conservation and management measures or provisions adopted at a national, regional or global level.

As a member of various RFMOs, the Philippines is duty-bound to comply with and observe the conservation and management measures of these organizations, including measures that aim to address IUU fishing. For instance, the list of licensed fishing vessels and catch data are submitted to these organizations. The Philippines will apply for membership in the International Network for the Cooperation and Coordination of Fisheries-Related MCS Activities to contribute to the realization of the goal of the international community to coordinate MCS efforts.

II.E. Publicity (Documentation)

The IPOA enjoins States to publicize widely full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any applicable confidentiality requirements.

The Philippines employs a trimedia approach to publicize apprehensions and actions on cases of IUU fishing in its territory. This trimedia approach involves the broadcast, print and electronic media for maximum exposure to a wider audience. The various government agencies and NGOs engaged in fisheries management and enforcement have their respective websites and publications, in addition to occasional fora through which matters relevant to IUU fishing are discussed and presented.

The BFAR, in particular, maintains a website (<http://www.bfar.da.gov.ph>) that is used to publicize IUU fishing incidents, pending cases and actions taken by the judiciary. It is also currently developing the Law Enforcement Management Information System (LEMIS), which is an online database of IUU fishing incidents, case resolutions and decisions.

III. FLAG STATE RESPONSIBILITIES

III.A. Fishing Vessel Registration

The IPOA-IUU enjoins States to:

- ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing.
- ensure before registering a fishing vessel that it can exercise its responsibility not

to engage in IUU fishing.

- avoid flagging vessels with a history of noncompliance.
- within the limits of their respective jurisdictions, take measures to ensure that chartered vessels do not engage in IUU fishing.
- deter vessels from reflagging for the purposes of noncompliance with conservation and management measures or provisions adopted at a national, regional or global level.
- take all practicable steps to prevent flag-hopping.
- consider conducting registration of a vessel and issuing of an authorization to fish in a manner which ensures that each gives appropriate consideration to the other.
- consider making their decision to register a fishing vessel conditional upon their being prepared to provide to the vessel an authorization to fish in waters under their jurisdiction, or on the high seas.

The Maritime Industry Authority, an attached agency under the Department of Transportation and Communication, as flag state authority, shall ensure that it fulfills its flag state responsibility under UNCLOS in respect of fishing vessels entitled to fly the Philippine flag, which are fishing in the high seas and in Philippine waters. If necessary, revision of pertinent laws shall be undertaken to strengthen its flag state authority.

For the Philippines to have effective control over fishing vessels carrying its flag, it will regularly review its fishing vessel registration system to make necessary adjustments that will address the IUU fishing problem. Taking into consideration what international laws prescribe, the country will adopt important measures such as the marking and identification of fishing vessels, in particular, fishing vessels authorized to fish on the high seas or in waters under the jurisdiction of other States. Registration of all vessels (including those of smaller sizes) and the enhancement of cooperation among all relevant agencies to streamline the registration process while allowing for stricter monitoring will be effected through the implementation of the 2012 MOA among BFAR, PCG, NTC and MARINA. Crucial to these collaborative efforts is the participation and cooperation of the LGUs, the DILG, the LMP, and municipal and city FARMCs.

To curtail double registration of fishing vessels, the Philippines will establish close collaboration with its neighboring countries in the validation of deletion of certification issued by flag States. Stricter monitoring and control procedures for pre-registered vessels authorized to operate in international waters will be adopted.

The RFMOs play a significant role in ensuring that chartering arrangements for stocks under their purview are followed. In response to the challenge for chartering arrangements to be fully transparent, ICCAT, to which the Philippines is a party, has put in effect Ref. 02-21 detailing recommendations on vessel chartering. Part of the recommendations is the submission of required information to the ICCAT Executive Secretary after which the same is circulated without delay to all Contracting Parties.

In the case of bareboat charter mode of acquisition in the Philippines, consent from the country of current registry for the charter of the fishing vessel and its temporary registration under the Philippine flag must be presented to the MARINA before approval can be granted. The MARINA has other requirements, including the submission of a clearance from the BFAR indicating that the vessel/owner/charterer is qualified for the issuance of a new commercial fishing boat license.

The Philippines will undertake a review of its bareboat charter policies to determine whether the intent of the law (Presidential Decree [PD] 866/1711 valid up to 31 December 2009 and intended to develop its overseas transportation and local shipping industry) and its implementation (which includes chartering of foreign fishing vessels) are consistent with the Constitutional policy reserving the enjoyment of marine wealth exclusively to Filipino citizens and the statutory prohibition on poaching. The review will also entail ascertaining whether chartered foreign fishing vessels have previous history of IUU fishing and have in fact been engaged in it in Philippine waters and on the high seas.

The BFAR and the MARINA will also maintain a list of chartered foreign fishing vessels under Philippine flag and monitor their fishing operations. Regulations will be put in place that will provide for the revocation of charter/lease contracts and deregistration of chartered vessels which are found to be engaged in IUU fishing.

III.B. Record of Fishing Vessels

The Philippines, through the MARINA, maintains a registry of ships, known as the "Register of Philippine Ships", consisting of records of all types of ships of domestic ownership including fishing vessels. The "Register of Philippine Ships" contains the following particulars:

- name of ship;
- former name and registry;
- type of ship;
- call sign;
- official number;
- IMO number (for passenger ships of 100 GT and above and for all cargo ships of 300 GT and above);
- hull material;
- principal dimensions;
- tonnages (gross/net/deadweight);
- classification society;
- horsepower;
- main engine;
- year built;
- builders/place built;
- name, nationality and business address/residence of owner/operator;
- homeport;
- date of issuance of Certificate of Philippine Registry; and
- any material change of condition in respect to any of the preceding items including records of encumbrances.

The MARINA is obliged under the 2012 Memorandum of Agreement to maintain a separate register for fishing vessels as a measure to curb IUU fishing, to closely coordinate with the BFAR to ensure that commercial fishing vessels are not only registered but are licensed or issued authorizations to fish and to establish an inter-relational database that will facilitate monitoring and coordination among concerned agencies. MARINA circulars will be issued to provide for removal of fishing vessels which do not have BFAR licenses from the registry.

A national fishing vessel registry is and will continue to be submitted periodically to RFMOs in compliance with international conventions.

BFAR, MARINA, NTC and PCG will, to the extent possible, harmonize marking of fishing vessels and other requirements.

III.C. Authorization to Fish

Pursuant to its commitment to the conservation of the living resources of the high seas, the Philippines requires Filipino citizens intending to fish in the high seas and in the waters of other countries allowing such fishing operations to secure an international fishing permit and certificate of clearance from the DA before conducting any fishing activity. International fishing permits can only be obtained by operators of duly licensed commercial fishing vessels who have to comply with other requirements of the coastal state. Based on data from the BFAR, the usual international fishing grounds are: Celebes Sea, Indonesian waters, Malaysian waters, Palau waters, Papua New Guinea waters and the Western Pacific. The Philippines, however, does not allow foreign nationals to fish in its waters as provided for in the 1987 Philippine Constitution and Section 27 of the Fisheries Code.

III.D. Measures to Control Transport and Resupply Vessels

Philippine law penalizes all fishing vessels, including transport and resupply vessels found to have engaged in IUU fishing in the country's waters. Violations of conservation and management measures committed in the high seas or in waters of other States by Philippine-flag vessels are, however, difficult to monitor and apprehend. Thus, the Philippines will seek the cooperation of other States at the bilateral and regional levels in this regard. Legislation will be introduced that will penalize with sufficient severity IUU fishing committed by Philippine-flag vessels on the high seas and in waters of other States.

The Philippines will also gather information on the transshipment, transport and resupply practices of its flag vessels and will introduce regulations governing at-sea transshipment of fish catches.

IV. COASTAL STATE RESPONSIBILITIES

The IPOA-IUU enjoins coastal States to:

- implement measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone.
- cooperate and exchange information with other States, where appropriate, including neighboring coastal States and with regional fisheries management organizations.
- ensure that no vessel undertakes fishing activities within its waters without a valid authorization to fish issued by that coastal State.
- ensure that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels.
- ensure that each vessel fishing in its waters maintains a logbook recording its fishing activities where appropriate.
- ensure that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations.
- regulate fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing.
- avoid licensing a vessel to fish in its waters if that particular vessel has a history of IUU fishing, taking into account the provisions of paragraph 36 of the IPOA-IUU.

IV.A. Effective Monitoring, Control and Surveillance of Fishing Activities in the Exclusive Economic Zone

Fisheries MCS in the Philippine EEZ is a collaborative function of the BFAR, PN and the PCG. The effectiveness of fisheries MCS in the Philippine EEZ greatly relies on the capabilities of these agencies in the area.

The PN performs maritime MCS in carrying out its mandate to protect the sovereignty and integrity of the country's waters. Maritime surveillance is carried out by the PN through its floating and air assets, intelligence units, seven Coast Watch Stations and the PN Affiliated Reserve Units (PNARUs) (Dela Cruz 2004). PNARUs refer to fishing firms tapped by PN for maritime surveillance activities and other purposes.

The PN is currently developing the MCS capabilities of its maritime units so as to consolidate information gathered from sea assets. It will establish a PN Maritime Monitoring and Surveillance Center that will form the core of the production, analysis, assessment and dissemination of surveillance data gathered by the different government agencies involved in maritime administration. In this proposed setup, the center will act as the entity which will provide the necessary integration of intelligence information gathered by the different agencies. The concerned agencies could then act on this intelligence information in a coordinated manner.

The BFAR and PCG, on the other hand, perform joint MCS operations using 14 MCS patrol vessels as platform under a Memorandum of Agreement to patrol and safeguard the Philippine EEZ. A Law Enforcement and Quick Response Team has also been established in BFAR to address all forms of IUU fishing and emergency situations such as fish kills, marine mammal stranding and search and rescue operations. The BFAR will enhance its hardware platforms through phased acquisition of additional patrol vessels capable of monitoring the EEZ.

The National Coast Watch Center (NCW Center) has been established under Executive Order No. 57 s. 2011, which is headed by the PCG. Through the Center, PCG gathers, consolidates, synthesizes and disseminates information relevant to maritime security, and coordinate the conduct of response operations, among others. It brings together the intelligence gathering efforts and maritime operations undertaken by PCG personnel in the various Districts, Stations, Detachments, intelligence units, and by its vessels and aircraft operating across the country's maritime zones. Further, PCG collaborates with BFAR in the operation of 14 MCS vessels used in carrying out law enforcement operations against IUUF. These activities directly relate to the Coastal State Responsibilities on the effective monitoring, control and surveillance of fishing activities in the Exclusive Economic Zone as set forth in the NPOA.

IV.B. Cooperation and Exchange of Information with Neighboring Coastal States and with RFMOs

Some of the regional and international organizations that have supported the Philippines in data collection/exchange are SEAFDEC, FAO and the South Pacific Commission, now the Secretariat of the Pacific Community (Barut and Labe 2004). As mentioned in Section II.A, the Philippines is also a member of BIMP-EAGA, ASEAN and APEC that serve as venues for cooperation and exchange of information with neighboring States.

The Philippines complies with the international data requirements (e.g., list of fishing vessels licensed to operate in their areas of competence and catch and effort data) of RFMOs to which it is party, knowing that RFMOs are the best vehicles to promote

cooperation between coastal and fishing States. The Philippines, as a member of RFMOs, commits to observe and comply with the conservation and management efforts of these organizations, including information exchange. The Philippines will also bring up the subject of IUU fishing every time it shall engage in bilateral talks with neighboring coastal States.

IV.C. Authorization to Fish for Filipino/Local Vessels

The Philippines does not support or license a vessel with a history of IUU fishing violations. The licensing system is extensively discussed in Section II.B above and actions to be undertaken are also indicated therein. The fishing authorization system is not without inadequacies. To deal with these, the "Moratorium on the Issuance of new Commercial Fishing Vessel and Gear License (CFVGL)" (FAO 223, Series of 2003) has been put into effect as part of a precautionary approach to fisheries management. Development and implementation of an Electronic Catch Certification System (PhilCatch) and Commercial Fishing Vessel Licensing System (PhilFish) is also underway. The PhilFish will provide a window in the computerized file of each vessel where entries of violations can be made by law enforcement agencies.

One of the conditions in the license issued to commercial fishers is for their catcher vessels to have fishing logbooks. The logbook shall reflect the fish catch, fishing area, quantity in tubs/boxes or kilograms of fish catch, spoilage, landing point, transshipment and/or other means of disposal for a period of 5 years from the last entry. These shall be made within 24 hours after the catch was made and shall be written legibly in ink or ballpen (Section 22, FAO 198). Thus far, the logbook system for CFVL has been characterized by unreliable and inaccurate fishing statistics (Barut and Labe 2004). The BFAR will explore other catch documentation schemes that will eventually replace the existing logbook system.

The LGUs will also be encouraged to explore other catch documentation schemes to complement the current legal requirement (Section 15, RA 8550) for auxiliary invoices. Such invoices cover all fish and fishery products and are issued by the LGUs prior to transport from their point of origin to their point of destination in the Philippines or in foreign markets.

As a precondition or requirement for the approval of fishing licenses or authorizations to fish, the owner or operator, the boat captain, master fisherman and engineman must have undergone orientation on existing fishery laws, rules and regulations, including the detection of fish caught by illegal means.

IV.D. Authorization to Fish for Foreign Vessels

Recognizing the vast marine area of the country, the Philippine Constitution gives prominence to the marine wealth of the country and reserves its use and enjoyment exclusively to Filipino citizens.

This is reaffirmed by the Section 5 of the Fisheries Code, which reserves the right to use and exploit fishery and aquatic resources in Philippine waters exclusively to Filipinos. This renders the operation or entry of any foreign fishing vessel in Philippine waters unlawful and may constitute poaching. This unlawful act is subject to a penalty of US\$100,000 in addition to confiscation of catch, fishing equipment and fishing vessel. Research and survey activities are allowable under strict regulations for purely research, scientific, technological and educational purposes that would also benefit Filipino citizens.

FAO 199 sets the policy and guidelines for foreign vessels that intend to use facilities of the country for transshipment of fishery products caught outside Philippine waters. Section 42 of the Fisheries Code also contains provisions relevant to transshipment as discussed in Section III.D of this NPOA. To ensure that FAO 199 is being carried out effectively, a One-stop Action Center is organized in designated fish port complexes. The principal task of the center is to process documents of fishery products to be transshipped and to document incoming and outgoing foreign vessels. This office is composed of representatives from PFDA, Customs, Inspection and Quarantine, PN, PCG, PNP-MG and the Philippine Overseas Employment Administration (POEA), with BFAR as lead agency. Navigational lanes will be designated for accredited foreign fishing vessels pursuant to Section III of FAO 199. As part of the accreditation process, the Philippines will also consider requiring foreign fishing vessels to be equipped with vessel monitoring systems.

Given recent global market developments, regulations governing at sea transshipment will be strengthened as part of this NPOA.

V. PORT STATE MEASURES

The IPOA calls on States to use measures, in accordance with international law, to control port access by fishing vessels in order to prevent, deter and eliminate IUU fishing.

The Philippine port system can be described as a combination of formal (where port state responsibility is shared by a number of government agencies) and informal structure (composed of public and private commercial fish landing sites). Although about a thousand ports compose the Philippine port system, only the major ones are being operated by government and the rest are either private ports or informal public fish landing sites. Around 12% or 120 seaports, consisting of 24 base ports and 96 secondary or terminal ports are under the Philippine Ports Authority (PPA), a government corporation under the Department of Transportation and Communication (DOTC). The PPA was created under PD 857 to undertake financing, management and operation of public ports and to accelerate both domestic and international maritime trade and commerce, including trade in fisheries products. Special port authorities operating independently from the PPA have also been created. One is the Cebu Port Authority created under RA 7621 which operates the Port of Cebu and the other is the Subic Bay Freeport created under RA 7227. Other entities exercising port state control are the LGUs managing municipal ports, the Cagayan Economic Zone Authority, the Philippine Economic Zone Authority, Mactan Economic Zone, the Aurora Pacific Economic Zone and Freeport Authority, the Clark Development Corporation and the Zamboanga City Special Economic Zone Authority and Freeport.

The PFDA, a government corporation of the DA created under PD 977, manages 8 regional fish port complexes and jointly manages 1 municipal fish port with the LGU. It has turned over to LGUs the management of 75 municipal fish ports and ten feeder ports or multi-purpose ports constructed by DOTC and transferred to PFDA. Pursuant to a 2008 Memorandum of Agreement with PPA, supervision and regulation of private ports in Zamboanga and General Santos were transferred by PPA to DA through PFDA.

Performing police functions within port limits, lakes, rivers and Philippine waters is the inherent task of the PNP-MG. Among its special concerns are illegal fishing and other illegal activities at sea, lakes, rivers and harbors. Working in tandem with the PNP-MG are the PN, PCG, Customs Police and PPA.

Port State Control (PSC), as distinguished from port operations, is a function of the PCG, which is under the DOTC. In general terms, the concept of PSC refers to the oversight and inspections conducted on a foreign-flagged vessel by the State that has jurisdiction over the port which such foreign-flagged vessel intends to call at. Since the PSC authority of PCG is mentioned in RA 9993 without qualification, it can be exercised by PCG to implement international conventions on any subject directed at a foreign-flagged vessel calling at Philippine ports.

PSC measures, as currently implemented by PCG, adhere strictly with the procedure authorized by the Tokyo Memorandum of Understanding on Port State Control in the Asia-Pacific Region (Tokyo MOU). This MOU is fundamentally a safety enhancement regime which implements at least 11 relevant instruments dealing with requirements on load lines, safety of life at sea, prevention of pollution from ships, watchkeeping for seafarers, prevention of collision at sea, tonnage measurement of ships, minimum standards for merchant shipping, and control of harmful anti-fouling systems on ships, among others.

Fundamental to the PSC regime is the uniformity of enforcement across different jurisdictions which a foreign-flagged vessel would happen to call at in the course of its operation. This is made possible by having State-parties ratify conventions setting forth detailed terms, conditions and procedure which may be complemented, but may not be negated, by national legislations, rules and regulations, such as the 2009 FAO Agreement on Port State Measures. However, unless the Philippines ratifies this Agreement, its provisions cannot be invoked to validate the actions of PCG PSC officers.

Thus, as part of this NPOA, the Philippines will work on its accession to the 2009 FAO Port State Measures Agreement in order to control port access by foreign fishing vessels in the Philippines and to prevent, deter and eliminate IUU fishing at the regional level. As an initial step, the Philippines will study the characteristics of all government-controlled fishing ports and assess the financial and human resource requirements necessary to implement the Agreement.

While working on its accession to the Port State Measures Agreement, the Philippines will simultaneously review existing regulations such as Fisheries Administrative Order No. 199, which contains provisions embodied in the Agreement relating to advance request for port entry, boarding and inspection and port access denial. These provisions will be modified to be consistent with the Agreement. It will also promulgate a Joint DA-DOTC Administrative Order on Port State Measures as legal basis for the exercise by port state authorities of port state control pending ratification by the Philippines of the 2009 Port States Agreement.

V.A. Advanced Notice of Access

The IPOA enjoins States to:

- provide port access to vessels for reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircraft in danger or distress.
- require reasonable advanced notice of entry to port, a copy of their authorization to fish, and details of their fishing trip and quantities of fish on board from fishing vessels seeking permission to enter their ports.

Consistent with Article 10 of the FAO 2009 Port State Measure Agreement and the International Ship and Port Facility Security Code (ISPFSC), the Philippines provides port access to foreign-flagged vessels for reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircraft in danger or distress. In times of

emergencies such as typhoons or mechanical trouble, ships are given access to ports for humanitarian reasons.

Foreign fishing vessels wishing to avail of port access for purposes of transshipment or resupply may do so only at designated government regional fish ports after being accredited by the BFAR and upon securing clearance from the DFA (per Section 42, RA 8550; FAO 199). A 48-hour advance notice prior to berthing is required. The notice is given to the One-stop Action Center composed of the PFDA, BOC, BI, National Quarantine Office, PN, PCG, PNP-MG, POEA and BFAR.

Fishing vessels requiring refueling or other needs, and for that matter all vessels requesting port entry, shall be required to submit the following information 48 hours in advance in accordance with Article 8 (1) and Annex A of the 2009 FAO PSMA:

- a. Intended port of call;
- b. Port State;
- c. estimated date and time of arrival;
- d. Purpose (s);
- e. Port and date of last port call;
- f. Name of vessel
- g. Flag State;
- h. Type of fishing vessel;
- i. International Radio Call Sign;
- j. Fishing vessel contact information;
- k. Fishing vessel owner/s;
- l. Fishing Vessel registration number;
- m. IMO number (if available);
- n. External ID (if available);
- o. RFMO ID (if available);
- p. Fishing vessel Information System? (Y/N);
- q. Fishing vessel length, breadth and depth;
- r. Fishing vessel master and nationality;
- s. Relevant fishing authorizations;
- t. Relevant transshipment authorizations;
- u. Total catch on board (Species, product form/state, catch area, quantity
- v. Other relevant information pertaining to fishing operation;
- w. Catch unloaded (species and quantity).

A nationwide vessel master file is maintained for all foreign vessels of 6 GT and above calling the ports. For foreign-going vessels and domestic trade vessels over 500 GT, a 24-hour advanced notice is required. All locally based foreign fishing vessels are required to be inspected and cleared by a Fisheries Officer after each port call, before any cargo or personnel can be off-loaded.

The Subic and Cebu ports have their own rules and regulations. The Subic Bay Metropolitan Authority (SBMA), the body that operates Subic Port requires filing of a 72-hour advanced notice by appointed ship agent upon entry. A ship's pre-arrival meeting must also be conducted to check for possible problems that may arise during berthing. SBMA boarding authorities together with Customs, Immigration and Quarantine authorities conduct inspection on-board the ship. In addition, a pollution avoidance checklist and a safety checklist are accomplished.

The Cebu Port Authority (CPA) requires an application for a berth and a written notice of a vessel's arrival at least 36 hours before estimated time of arrival for vessels without regular schedule. This is in addition to a radio message conveying its intention

to berth. For domestic vessels, CPA requires a Certificate of Public Convenience, a Provisional Authority or a Special Permit from MARINA before the issuance of berthing permit (per CPA AO# 01-2000).

V.B. Inspection of Fishing Vessels at Port

The IPOA-IUU calls on States to exercise their right to inspect fishing vessels and to collect relevant information to be remitted to the flag State and the relevant RFMO.

The Philippines will, to the best extent possible, develop port boarding and inspection procedures and amend its domestic law in accordance with Part 4 of the 2009 FAO PSMA. All foreign fishing vessels regardless of type and size wishing to avail port access shall be subjected to boarding and inspection procedures by authorized port personnel.

To strengthen capabilities for the implementation of this control measure, trainings in boarding and inspection for individuals and organizations involved in port state control shall be conducted. Assistance of Parties to the Agreement or from the Food and Agriculture Organization shall be requested whenever possible in accordance with Article 21 (4) of the Agreement.

V.C. Foreign Vessels in Port Found to be Engaged in or Supporting IUU Fishing

The IPOA-IUU urges the port State to immediately report any matter of engagement in or support to IUU fishing of a suspect vessel to the flag State of the vessel and, where appropriate, the relevant coastal State and RFMO. The port State may take other action with the consent of, or upon the request of, the flag State.

Generally, international or foreign vessels have been observed to comply with sea safety and Philippine maritime laws. Where evidence is found indicating that a foreign fishing vessel in port has engaged or supported IUU fishing, the Philippines shall promptly notify the flag State, coastal State, the RFMO or other international organization/s, and the State in which the vessel's master is a national of its findings.

V.D. Denial of Port Access

The IPOA-IUU calls on each port State, where it has clear evidence that a vessel had engaged in IUU activity, to prohibit the vessel from landing or transshipping fish in its ports, and to report the matter to the flag State of the vessel.

If there is clear and sufficient evidence that a fishing vessel has engaged in IUU activity/ies or fishing related activities in support to IUU fishing, the Philippines, through the PCG and PFDA and other port state control authorities shall deny port access to that fishing vessel in conformity with international law and shall disallow landing, transshipping, packaging, and processing of fish and for other port services such as refueling and resupplying, maintenance and dry-docking.

The Philippines shall vigilantly monitor the lists of IUU fishing vessels in WCPFC, IOTC, ICCAT and other RFMOs to which it is a cooperating party/member and deny port access to these fishing vessels taking into account the provisions in Article 9 of the Agreement.

V.E. Cooperation with Port States and Regional Fisheries Management Organizations

The IPOA-IUU enjoins port States to:

- cooperate, as appropriate, bilaterally, multilaterally and within relevant RFMOs, to develop compatible measures for port state control of fishing vessels.
- enhance cooperation, including flow of relevant information, among and between relevant RFMOs and States on port state controls.

The RFMOs, in recent years, have been active in formulating port state measures to promote compliance with their conservation and management measures. The ICCAT, for instance, has implemented a Revised Port Inspection Scheme since 1998, requiring its members to carry out inspection of fishing vessels in their ports. Violations of ICCAT-prescribed regulations are reported, providing standardized information to the flag State and the ICCAT Secretariat within 10 days. The flag State is encouraged to investigate and prosecute violators and inform ICCAT of the actions taken.

The IOTC has issued Resolution 10/11 on port state measures in 2010 requiring its members to conduct port boarding and inspections to fishing vessels not entitled to fly its flag and deny port access to fishing vessels which have been found to have engaged in IUU fishing or fishing related activities in support to IUU fishing, in particular the inclusion of the fishing vessel in the IUU list.

As a cooperating party/member to these RFMOs, the Philippines will develop compatible measures on port state measure as laid out in this Section (V) and implement it at the national level in order to effectively prevent, deter, and eliminate IUU fishing in the regional level. Where clear and sufficient evidence have been found that a fishing vessel has engaged in IUU fishing, the Philippines will notify the flag State and the relevant RFMOs and deny port access.

VI. INTERNATIONALLY AGREED MARKET-RELATED MEASURES

The IPOA encourages States to cooperate with relevant global and RFMOs and adopt multilaterally agreed trade-related measures necessary to prevent, deter and eliminate IUU fishing.

VI.A. Catch Documentation Schemes

The States are enjoined by the IPOA-IUU to:

- support the consistent and effective implementation of trade-related measures such as catch documentation and certification requirements to reduce or eliminate trade in fish and fish products derived from IUU fishing.
- assist any State requesting assistance in deterring trade in fish and fish products illegally harvested in its jurisdiction.

The Philippines recognizes that RFMOs are the primary international bodies for the development and adoption of market-related measures to combat IUU fishing. ICCAT, for instance, has been imposing prohibitions on imports of bluefin and swordfish caught through IUU fishing for both members and nonmembers as called for in its Bluefin Tuna Action Plan and Swordfish Tuna Action Plan.

The ICCAT, CCSBT and IOTC have been maintaining their respective statistics documentation programs to increase accuracy of catch statistics on bluefin tuna,

southern bluefin tuna and big-eye tuna, respectively. These RFMOs require statistical document on imports containing information on: country issuing document, name of exporter and importer, area of harvest, gear utilized, type of product, total weight and point of export. Members and nonmembers who fail to comply or take necessary action are subject to the sanction of import prohibition.

As member of ICCAT, IOTC and WCPFC and as a cooperating nonmember party to the CCSBT, the Philippines cooperates and complies with the said requirements and programs.

Currently, the internal catch documentation scheme in the Philippines is guided by Section 38 of the Fisheries Code which requires each commercial fishing vessel to keep a daily record of fish catch and spoilage, landing points, and quantity and value of fish caught or off-loaded for transshipment, sale and disposal. The information is certified by the vessel's captain and transmitted monthly to an officer at the nearest designated landing point.

The auxiliary invoice being issued by the LGUs prior to the transport of all fish and fishery products from their point of origin to their point of destination (either in the Philippines or overseas) is a gateway measure to block market access of fish caught through IUU fishing. Not all LGUs, however, are effectively utilizing this tool. Thus, the BFAR will coordinate with the Leagues of Municipalities and Cities for their member-LGUs to enact the necessary ordinances that will penalize those who will not comply with this requirement. Prior to the issuance of the auxiliary invoice, submission of fishing logbook, catch data reports or other equivalent reportorial mechanism will also be made a prerequisite.

Upon notifying the EU that it will abide by EC Regulation 1005/2008, the Philippines began implementing a Catch Certification Scheme. All fishery products exported to the EU should be accompanied with a Catch Certificate duly validated and approved by the BFAR. Fisheries Administrative Order No. 238 series of 2012 as amended by Fisheries Administrative Order 238-1 series of 2013, implements the EU requirement on Catch Certification in the Philippines. This administrative order shall be reviewed to further enhance the catch certification scheme ensuring among others, full traceability in all stages from net to plate and the availability of relevant trail of documentary evidence. An electronic system of issuance of catch certificates called the Philcatch is also being developed by BFAR to ensure full traceability, real time monitoring and validation as well as to prevent the entry of fish and fishery products derived from IUU fishing into the supply chain.

VI.B. Trade-related Measures

Under trade-related measures, the States are challenged by the IPOA-IUU to:

- ensure that measures on international trade in fish and fishery products are transparent, based on scientific evidence and are in accordance with internationally agreed rules.
- take steps to improve the transparency of their markets to allow the traceability of fish or fish products.
- work towards using the harmonized commodity description and coding system for fish and fisheries products in order to help promote the implementation of the IPOA-IUU.

The current catch documentation scheme of the Philippines allows the determination of where, when and by whom the fish was harvested. Moreover, the Philippines complies

with the HACCP system of the EU and with the ecolabeling scheme of the Marine Aquarium Council. Going a step further, the IPOA-IUU suggests a scheme for traceability that will allow a given product to be traced through all stages of production. The current scheme can serve as a building block towards establishment of a system for traceability that will be adopted through a participatory multistakeholder process to support the campaign against IUU fishing. As earlier mentioned, the Philcatch or the electronic or automated system of catch certification is also being developed to ensure full traceability.

The Philippines shall also take all steps necessary including preventing entry into Philippine territory of products from vessels identified by RFMOs as having been engaged in IUU fishing.

VI.C. Information Dissemination

The IPOA calls on States to:

- take all steps necessary to prevent fish caught by vessels identified by relevant RFMOs to have been engaged in IUU fishing from being traded or imported into their territories.
- take measures to ensure that the public is made aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing.

The Philippines regulates trade in fisheries products through a permitting system. Importation and exportation require the issuance of permits from the BFAR. Testing for the presence of cyanide is one of the prerequisites for the issuance of export permits as a measure to curb cyanide fishing. Regulations on the importation of cyanide will be reviewed and revised to ensure that these will not be diverted from their intended lawful uses.

Chapter VI, Section 88 of the Fisheries Code addresses the issue on the trading of fishery species caught through IUU fishing. It declares as unlawful for any person, corporation or entity to possess, deal in, sell or in any manner dispose of any fish or fishery species which have been illegally caught, taken or gathered. It provides that dealing in, selling or disposing of illegally caught or gathered fisheries species is punishable with imprisonment for a period of 6 months to 2 years in addition to the forfeiture of the fishing vessel, equipment and catch.

Information, education and communication (IEC) programs are a vital component of fishery programs implemented by various government agencies and NGOs in the country. A Fisheries Conservation Week, celebrated every month of October, serves to promote fisheries conservation through a variety of activities such as techno-demos, trade fairs and other extension services. To reach a broader audience, the government agencies involved will consider translating the IEC materials related to IUU fishing, fisheries management and enforcement in major local languages (e.g., Filipino, Cebuano, Ilonggo, Ilocano).

Sections 117 and 118 of the Fisheries Code also mandate the inclusion of fisheries conservation subjects into the curricula of elementary and secondary schools. Moreover, the DA, the Commission on Higher Education, the Department of Education and the Philippine Information Agency are mandated to pursue a nationwide educational campaign to promote the principle of sustainable development and the conservation and proper use of the environment. A review of the status of implementation of these provisions will be undertaken and enhancements as required will be duly made part of this NPOA.

VII. RESEARCH

The IPOA-IUU enjoins States to encourage scientific research on methods of identifying fish species from samples of processed products

The Philippines has an extensive national fisheries research network. The BFAR's primary research arm is the National Fisheries Research and Development Institute (NFRDI) that, by virtue of the Fisheries Code, was constituted via the integration of staff and resources from various BFAR technical offices, laboratories, national technology centers and stations. Providing an enabling environment to promote research and development for fisheries using a multidisciplinary, interagency and systems approach is the PCAMRD of the DOST.

Numerous public and private academic institutions are actively involved in fisheries research in the country. These institutions include UP Visayas, UP Marine Science Institute, Silliman University, Mindanao State University, De La Salle University and various private and state universities and colleges forming part of the national fisheries research network. Moreover, the country hosts international organizations engaged in fisheries research, including the WorldFish Center and SEAFDEC.

The Philippines, whenever appropriate, will encourage its national fisheries research network to collaborate with relevant international organizations regarding research on methods of identifying fish species from samples of processed products. Whenever possible, the Philippines will encourage collaboration of appropriate national fisheries institutions with FAO and other relevant organizations in the establishment of a network of databases of genetic and other markers for use in identifying fish species from processed products, including the ability to identify the stock of origin of source materials where feasible.

VIII. REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

VIII.A. Party Compliance

The IPOA encourages States to:

- ensure compliance with and enforcement of IUU-related policies and measures adopted by any RFMO by which they are bound.
- cooperate in the establishment of such organizations in regions where none currently exists.
- compile and make available to RFMOs on a timely basis information relevant to the prevention, deterrence and elimination of IUU fishing.

The Philippines recognizes the significance of RFMOs in preventing, deterring and eliminating IUU fishing. The RFMOs have proven to be effective agents of cooperation among nations, gaining leverage for the good of its members in dealing with entities whose nonaction on issues such as IUU fishing threatens international fisheries. Currently, the Philippines is a member of six RFMOs (WCPFC, ICCAT, IOTC, APFIC, SEAFDEC and NACA) and a cooperating nonmember of CCSBT (refer to Section II.A for an overview about the RFMOs mentioned). The ICCAT, CCSBT, IOTC and WCPFC are management bodies that directly establish management measures. The APFIC and SEAFDEC are advisory bodies that provide their members with scientific and management advice, while the NACA is a scientific body that provides scientific and information advice. In response to the growing challenge to RFMOs, many of these have, in recent years, imposed stricter rules against IUU fishing, targeting both members and nonmembers allowing or engaged in IUU fishing. Section VI of this NPOA contains a

portion describing the actions of some RFMOs on trade-related matters. As a member of the above RFMOs, the Philippines will fully comply with the directives and will support the agenda of the RFMOs to which it is a party.

VIII.B. Nonparty Compliance

The IPOA calls on States to cooperate by agreeing to apply the conservation and management measures by the RFMOs to which they are not members, or by adopting measures consistent with those conservation measures, and should ensure that vessels entitled to fly their flag do not undermine such measures

Currently, there are other RFMOs in the region to which the Philippines is not a party. The country will keep its options open to apply for membership in established as well as upcoming RFMOs whose agenda will be considered relevant to its fisheries situation. Furthermore, it will support conservation and management measures prescribed by these RFMOs.

IX. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

The IPOA encourages States to:

- cooperate to support training and capacity-building and consider providing financial, technical and other assistance to developing countries including, in particular, the least developed among them so that they can fully meet their commitments under the IPOA and obligations under international law.
- cooperate to enable the:
 - review and revision of national legislation and regional regulatory frameworks;
 - improvement and harmonization of fisheries and related data collection;
 - strengthening of regional institutions; and
 - strengthening and enhancement of integrated MCS systems, including satellite monitoring systems.

The Philippines has been, and continues to be the beneficiary of technical and financial assistance from various bilateral programs and multilateral agencies in the field of fisheries development, management and conservation. It values the assistance to its fisheries sector, given the challenges posed on national resources by equally pressing development needs (e.g., environmental, social, economic and institutional). Where possible, the Philippines will encourage the various sources of bilateral and multilateral assistance to consider giving support for the implementation and enhancement of the NPOA-IUU.

In support of the IPOA's calls for assistance to developing and small island States, the Philippines shall encourage its fisheries institutions to share expertise, experiences and lessons that may be derived in the development and implementation of its NPOA-IUU. With the support of FAO and relevant international financial institutions and mechanisms, it shall collaborate with other developing countries in the areas of training, information exchange and capacity-building, as well as in the harmonization and strengthening of regulatory frameworks, data collection, MCS systems and regional institutions.

The Philippines shall cooperate in the establishment of a voluntary trust fund to address the special requirements of developing countries in fulfilling their commitments and obligations under the IPOA and other international laws:

Data collection and dissemination is undertaken to provide guidance in policy and decision making and to aid in conservation, management and development. In the Philippines, fisheries data collection is undertaken by various national agencies including BFAR, NFRDI, Bureau of Agricultural Statistics and PFDA. To address the problems and difficulties encountered in data collection, the formation of a multiagency task force will be undertaken by the NFRDI, where the various agencies involved in data collection will be represented. The primary function of the task force will be the design and implementation of an integrated and comprehensive system of data collection, processing, analysis and interpretation, validation, data storage and retrieval. In the process, it will determine and delineate the functions of its member-agencies as well as devise a system of information dissemination and exchange.

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ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA-IUU	Agency/ies Responsible
General Implementation of NPOA	Philippine Committee against IUU Fishing
J. ALL-STATE RESPONSIBILITIES	
A. International Instruments	
1. Ratify the 1995 Fish Stocks Agreement	1. Lead Agency: Department of Foreign Affairs, Senate
2. Sign and ratify the 1993 FAO Compliance Agreement	2. Office of the President and Senate
3. Implement the FAO Code of Conduct for Responsible Fisheries (CCRF)	3. Bureau of Fisheries and Aquatic Resources (BFAR)
4. Comply with obligations as member of WCPFC, ICCAT and IOTC and as cooperating non-member of CCSBT	4. BFAR
B. National Instruments	
a. Legislation	
5. Formulate and adopt a National Plan of Action for the Management of Fishing Capacity (NPOA-Capacity)	5. Bureau of Fisheries and Aquatic Resources
6. Review and revise the Fisheries Code taking into account international commitments of the Philippines including the IPOA-IUU, and the deterrent effect of penalties	6. Lead agency – BFAR; House Committee on Aquaculture and Fisheries Resources and Senate Committee
b. State Control Over Nationals	
7. Maintain a registry of operators or beneficial owners of fishing vessels flying its flag, including their nationality	7. Maritime Industry Authority (MARINA)
8. Strictly enforce the terms and conditions of fishing license to ensure that licensees are not engaged in IUU fishing	8. BFAR
9. Include as one of the terms and conditions of the fishing license that the licensee shall not engage in IUU fishing or engage in activities that support IUU fishing	9. BFAR
10. Implement the provisions of the 2012 Memorandum of Agreement which addresses some of the concerns on IUU fishing	10. Lead agency: BFAR, MARINA, National Telecommunications (NTC) and Philippine Coast Guard (PCG)
11. Enact enabling ordinances to entrench registration and licensing of municipal fishers and their vessels as tools to curb IUU fishing	11. municipal and city governments (LGUs)
12. Actively engage the Leagues of Municipalities and Cities and the fisherfolk representative to the National Anti-Poverty Commission in continuous dialogue and information, education and communication campaigns, including the drafting of a model ordinance so that	12. BFAR

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA-IUU	Agency/ies Responsible
<p>legislation of the requisite ordinances will be facilitated</p> <p>13. Assist in the registration of municipal fisherfolk through the conduct of the Municipal Fisherfolk Registration System (MFRS)</p> <p>14. Formulate guidelines to delineate municipal waters for municipalities with offshore or outlying islands or islets facilitate better fisheries management and prevent unauthorized fishing by commercial fishing vessels in municipal waters</p> <p>15. Pass ordinances based on DA guidelines to demarcate and delimit their municipal waters</p> <p>16. Undertake the marking and color coding of fishing vessels, zoning of fishing grounds and limiting the number of licenses to be issued based on sustainable levels of fishing effort</p> <p>17. Encourage cooperation and information exchange with neighboring countries to enhance control over Filipinos involved in IUU fishing</p> <p>18. Revise the Fisheries Code to include a provision penalizing Filipinos engage in any fishing activity that violates the fishery conservation and management laws of any other State or that undermines the effectiveness of conservation and management measures adopted by an RFMO</p> <p>19. Deny clearance or permission for a commercial fishing vessel to depart from port when included in the BFAR IUU list</p> <p>20. Manage fishing capacity in a coordinated manner</p> <p>21. Ensure compliance with conservation and management measures at the national, regional and international levels</p>	<p>13. BFAR</p> <p>14. Department of Agriculture (DA) and the National Fisheries and Aquatic Resources Management Council (NFARMC)</p> <p>15. municipal and city governments (LGUs)</p> <p>16. BFAR and MARINA for commercial fishing vessels; municipal and city governments for municipal fishing vessels</p> <p>17. DFA</p> <p>18. Lead agency-BFAR, House Committee on Aquaculture and Fisheries Resources and Senate Committee on Agriculture and Food Security</p> <p>19. PCG</p> <p>20. BFAR, LGUs, MARINA, NTC, PCG</p> <p>21. BFAR</p>
c. Vessels Without Nationality	
<p>22. As a member of the International Maritime Organization (IMO), support IMO efforts to prevent vessels from becoming stateless during their transfer to a new flag</p> <p>23. Pass on any information received about vessels operating without nationality to neighboring States and relevant RFMOs</p>	<p>22. MARINA</p> <p>23. DFA, BFAR</p>

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA-IUU	Agency/ies Responsible
d. Sanctions	
24. In the revision of the Fisheries Code, include an escalation clause similar to that in the Wildlife Act (RA 9147), which states: <i>"The fines herein prescribed shall be increased by at least ten percent (10%) every three years to compensate for inflation and to maintain the deterrent function of such fines,"</i> in order maintain the deterrent effect of fines for fishery violations, in the ongoing review of the Fisheries Code	24. Lead agency –BFAR, House CAFR and Senate CAFS
25. In the revision of the Fisheries Code, introduce new administrative sanctions to expedite resolution of minor fishery offenses	25. Lead agency –BFAR, House CAFR and Senate CAFS
26. Introduced as new statutory offenses IUU fishing in the high seas and in coastal waters of other States in the revision of the Fisheries Code	26. Lead agency –BFAR, House CAFR and Senate CAFS
27. Prosecute poaching offenses	27. BFAR, DOJ
28. Strengthen administrative sanctions for poaching in the ongoing revision of the Fisheries Code by authorizing the DA to automatically confiscate the foreign fishing vessel, its paraphernalia, equipment and fishing gear, and to compound the offense until full settlement of the administrative fine, which will also be subject to an escalation clause	28. Lead agency –BFAR, House CAFR and Senate CAFS
29. Undertake continuous specialized training on environmental laws fishery laws, rules and regulations for State prosecutors, judges and fisheries law enforcers	29. BFAR, DOJ, Philippine Judicial Academy
30. Create special prosecutorial unit within the Department of Justice to handle green or environmental law cases to further bolster the fight against IUU fishing	30. DOJ
e. Noncooperating States	
31. Implement actions taken by RFMOs where the Philippines is a member or a cooperating nonparty against any noncooperating State which engages in or supports IUU fishing	31. BFAR, DFA
f. Economic Incentives	
32. Include as one of the terms and conditions of the fishing license, the revocation of economic incentives of fishing entities found to have engaged in IUU fishing	32. BFAR
33. Revoke incentives of entities found to have engaged in IUU fishing	33. BFAR, Department of Finance
34. Permanently disqualify fishing entities or individuals found to have directly or indirectly engaged	34. BFAR, Department of Finance

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA/IUU	Agency/ies Responsible
in IUU fishing or to have supported IUU fishing activities from availing of tax, duty and other incentives under the Fisheries Code, AFMA and the Omnibus Investment Act	
g. Monitoring, Control and Surveillance (MCS)	
35. Continue implementing monitoring programs on resource assessment and fisheries information systems	35. National Fisheries Research and Development Institute (NFRDI) and BFAR
36. Continue implementing the National and Regional MCS System	36. BFAR
37. Continue to carry out control through issuance of fisheries policies	37. BFAR, NFARMC, LGUs, M/CFARMC
38. Continue to conduct surveillance activities involving land-based and sea-borne operations	38. National CoastWatch Center, BFAR, LGUs, PN, PCG, PNP, PNP-MG, and the Bantay-Dagat (deputized fish wardens)
39. Continue implementing and expand the Vessel Monitoring System for high seas and distant water (fishing in third countries) fishing monitoring and surveillance	39. BFAR
40. Continue implementing the Fisheries Observer Program	40. BFAR
41. Tap the Integrated Bar of the Philippines (IBP) to provide free legal assistance to public officers confronted with strategic lawsuit against public participation (SLAPP)	41. Lead agency- BFAR, IBP, other fisheries law enforcement agencies
42. Explore self-regulation on the part of municipal and commercial fishers anchored on rights-based fisheries regimes	42. Lead agency-BFAR, House CAFR and Senate CAFS
43. Organize the Philippine MCS network	43. BFAR
44. Implement the Fisheries Law Enforcement Manual of Operation	44. BFAR and other fisheries law enforcers and deputy fish wardens
G. National Plan of Action	
45. Ensure that national efforts against IUU fishing are internally coordinated and fulfill the objective of deterring, eliminating and preventing IUU fishing in the Philippines as part of a bigger effort at the international level	45. Philippine Committee against IUU fishing
46. Review at least once every 4 years and as often as may be deemed necessary for it to remain responsive to the changes and developments in the industry	46. Philippine Committee against IUU fishing

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA-IUU	Agency/ies Responsible
D. Cooperation between States	
47. Coordinate and cooperate directly through relevant RFMOs activities against IUU fishing by complying with RFMO directive	47. BFAR
48. Apply for membership in the International Network for the Cooperation and Coordination of Fisheries-Related MCS Activities to contribute to the realization of the goal of the international community to coordinate MCS efforts	48. BFAR
E. Publicity (Documentation)	
49. Continue to employ a trimedia approach to publicize apprehensions and actions on cases of IUU fishing	49. BFAR and other law enforcement agencies
50. Develop the Law Enforcement Management Information System (LEMIS), which is an online database of IUU fishing incidents, case resolutions and decisions	50. BFAR
II. FLAG STATE RESPONSIBILITIES	
A. Fishing Vessel Registration	
51. Fulfills flag state responsibility under UNCLOS in respect of fishing vessels entitled to fly the Philippine flag, which are fishing in the high seas and in Philippine waters	51. MARINA
52. Revise, when necessary, pertinent laws to strengthen flag state authority	52. MARINA
53. Regularly review the fishing vessel registration system to make necessary adjustments that will address the IUU fishing problem	53. MARINA, LGUs
54. Adopt measures such as the marking and identification of fishing vessels, in particular, fishing vessels authorized to fish on the high seas or in waters under the jurisdiction of other States	54. MARINA, BFAR
55. Enhance cooperation among registration and licensing authorities through the implementation of the 2012 MOA	55. BFAR, MARINA, NTC, PCG
56. Establish close collaboration with neighboring countries in the validation of deletion of certification issued by flag States	56. MARINA
57. Adopt stricter monitoring and control procedures for pre-registered vessels authorized to operate in international waters	57. MARINA
58. Submit required information on vessel chartering to the ICCAT Executive Secretary	58. BFAR

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA/IUU	Agency/ies Responsible
59. Review fishing bareboat charter policies	59. MARINA, BFAR
60. Maintain a list of chartered foreign fishing vessels under Philippine flag and monitor their fishing operations	60. MARINA, BFAR
61. Formulate and implement regulations for the revocation of charter/lease contracts and deregistration of chartered vessels which are found to be engaged in IUU fishing	61. MARINA, BFAR
B. Record of Fishing Vessels	
62. Maintain a separate register for fishing vessels and coordinate with the BFAR to ensure that commercial fishing vessels are not only registered but are licensed or issued authorizations to fish	62. MARINA
63. Establish an inter-relational database that will facilitate monitoring and coordination among concerned agencies	63. MARINA, BFAR, NTC, PCG and LGUs
64. Submit periodically to RFMOs national fishing vessel registry in compliance with international conventions	64. BFAR
C. Authorization to Fish	
65. Require Filipino citizens and entities intending to fish in the high seas and in the waters to secure an international fishing permit and certificate of clearance from the DA and certificate of departure from the PCG before conducting any fishing activity	65. BFAR, PCG
D. Measures to Control Transport and Resupply Vessels	
66. Enact legislation penalizing with sufficient severity IUU fishing committed by Philippine-flag vessels on the high seas and in waters of other States	66. Lead agency –BFAR, House CAFR and Senate CAFS
67. Gather information on the transshipment, transport and resupply practices of Philippine flag vessels and establish regulations governing at-sea transshipment of fish catches and transport and resupply of Philippine flag vessels	67. BFAR, MARINA
III. COASTAL STATE RESPONSIBILITIES	
A. Effective Monitoring, Control and Surveillance of Fishing Activities in the Exclusive Economic Zone	
68. Develop MCS capabilities of maritime units so as to consolidate information gathered from sea assets and establish a Maritime Monitoring and Surveillance Center	68. Philippine Navy
69. Continue to perform joint MCS operations to patrol and safeguard the Philippine EEZ	69. BFAR and PCG
70. Enhance its hardware platforms through phased	70. BFAR

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA/IUU	Agency/ies Responsible
<p>acquisition of additional patrol vessels capable of monitoring fishing within the EEZ</p> <p>71. Continue to gather, consolidate, synthesize and disseminate information relevant to maritime security, and coordinate the conduct of response operations</p>	<p>71. National Coast Watch Center</p>
B. Cooperation and Exchange of Information with Neighboring Coastal States and with RFMOs	
<p>72. Continue to comply with the international data requirements (e.g., list of fishing vessels licensed to operate in their areas of competence and catch and effort data) of RFMOs to which Philippines is a party</p> <p>73. Bring up the subject of IUU fishing every time the Philippines is engaged in bilateral talks with neighboring coastal States</p>	<p>72. BFAR</p> <p>73. DFA</p>
C. Authorization to Fish for Filipino/Local Vessels	
<p>74. Develop and implement an Electronic Catch Certification System (PhilCatch) and Commercial Fishing Vessel Licensing System (PhilFish) as monitoring tools in licensing and catch certification to curb IUU fishing</p> <p>75. Explore other catch documentation schemes to replace the existing logbook system or put in place appropriate catch documentation schemes for artisanal fishing</p> <p>76. Continue implementing the precondition for the approval of fishing licenses or authorizations to fish, that the owner or operator, the boat captain, master fisherman and engineman must have undergone orientation on existing fishery laws, rules and regulations, including the detection of fish caught by illegal means.</p>	<p>74. BFAR</p> <p>75. BFAR, LGUs</p> <p>76. BFAR</p>
D. Authorization to Fish for Foreign Vessels	
<p>77. Continue enforcing the law and regulations against poaching</p> <p>78. Strengthen regulations governing at sea transshipment</p>	<p>77. BFAR and other law enforcement agencies</p> <p>78. BFAR</p>
IV. PORT STATE MEASURES	
<p>79. Work on Philippine's accession to the 2009 FAO Port State Measures Agreement (PSMA) in order to control port access by foreign fishing vessels in the Philippines and to prevent, deter and eliminate IUU fishing at the regional level</p> <p>80. Promulgate a Joint DA-DOTC Administrative Order on Port State Measures compatible with the 2009 FAO PSMA as legal basis for the exercise by port state authorities of port state control</p>	<p>79. DFA, Office of the President and Senate</p> <p>80. BFAR, PCG, PFDA, PPA, BOC and concerned special economic zone authorities</p>

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA/IUU	Agency/ies Responsible
81. Review and revise existing regulations such as Fisheries Administrative Order No. 199 to ensure consistency with the 2009 FAO PSMA	81. BFAR
82. Pending ratification of the 2009 FAO PSMA, continue to exercise port state control in accordance with the procedure authorized by the Tokyo Memorandum of Understanding on Port State Control in the Asia-Pacific Region (Tokyo MOU)	82. PCG
A. Advanced Notice of Access	
83. Pending ratification of the 2009 FAO PSMA, continue to implement protocol on advanced notice of port access by foreign fishing vessels	83. PCG, PFDA, PPA, and concerned special economic zone authorities
B. Inspection of Fishing Vessels at Port	
84. Develop port boarding and inspection procedures and amend domestic law in accordance with Part 4 of the 2009 FAO PSMA	84. BFAR, PCG, PFDA, PPA and concerned special economic zone authorities
85. Conduct trainings in boarding and inspection for individuals and organizations involved in port state control	85. BFAR
C. Foreign Vessels in Port Found to be Engaged in or Supporting IUU Fishing	
86. Notify the flag State, coastal State, the RFMO or other international organization/s, and the State in which the vessel's master is a national of findings concerning foreign fishing vessel found to have engaged in or supported IUU fishing	86. DFA, BFAR
D. Denial of Port Access	
87. Deny port access to fishing vessels found to have engaged in IUU activity/ies or fishing related activities in support to IUU fishing, in conformity with international law and disallow landing, transshipping, packaging, and processing of fish and for other port services such as refueling and resupplying, maintenance and dry-docking	87. PCG, PFDA and other Port State Control authorities
88. Monitor the lists of IUU fishing vessels in WCPFC, IOTC, ICCAT and other RFMOs to which it is a cooperating party/member and deny port access to these fishing vessels	88. BFAR and Port State Control authorities
E. Cooperation with Port States and Regional Fisheries Management Organizations	
89. Develop and implement port state measures compatible with those prescribed by RFMOs in order to effectively prevent, deter, and eliminate IUU fishing in the regional level	89. BFAR, PCG and other Port State Control authorities
90. Notify the flag State and the relevant RFMOs and deny port access to a fishing vessel found to have engaged in IUU fishing	90. DFA, BFAR, PCG and other Port State Control authorities

ANNEX A. SUMMARY OF NPOA ACTIVITIES	
NPOA-IUU	Agency/ies Responsible
V. INTERNATIONALLY AGREED MARKET-RELATED MEASURES	
A. Catch Documentation Schemes	
91. Cooperate and comply with the catch documentation schemes prescribed by RFMOs to which the Philippines is a member or cooperating nonmember	91. BFAR
92. Continue to implement the internal catch documentation scheme as provided in Section 38 of the Fisheries Code	92. BFAR
93. Coordinate with the Leagues of Municipalities and Cities for their member-LGUs to enact the necessary ordinances that will penalize those who will not comply with the auxiliary invoice requirement	93. BFAR
94. Develop the automated catch certification system (Philcatch) to ensure full traceability, real time monitoring and validation as well as to prevent the entry of fish and fishery products derived from IUU fishing into the supply chain	94. BFAR
B. Trade-related Measures	
95. Develop the automated catch certification system (Philcatch) to ensure transparency and full traceability in trade of fish and fishery products	95. BFAR
96. Take all steps necessary including preventing entry into Philippine territory of products from vessels identified by RFMOs as having been engaged in IUU fishing	96. BFAR, PCG and other Port State Control authorities
C. Information Dissemination	
97. Continue to conduct Information, Education and Communication (IEC), including the celebration of the annual Fisheries Conservation Week, as vital component of fishery programs and consider translating the IEC materials related to IUU fishing, fisheries management and enforcement in major local languages	97. BFAR
98. Review the status of implementation Sections 117 and 118 of the Fisheries Code, which mandate the inclusion of fisheries conservation subjects into the curricula of elementary and secondary schools	98. BFAR
VI. RESEARCH	
99. Collaborate with relevant international organizations regarding research on methods of identifying fish species from samples of processed products	99. NFRDI
100. Collaborate with FAO and other relevant organizations in the establishment of a network of databases of genetic and other markers for use in	100. NFRDI

ANNEX A: SUMMARY OF NPOA ACTIVITIES	
NPOA-IUU	Agencies Responsible
identifying fish species from processed products, including the ability to identify the stock of origin of source materials where feasible	
VII. REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS	
A. Party Compliance	
101. Comply with the directives and support the agenda of the RFMOs to which the Philippines is a party	101. BFAR
B. Nonparty Compliance	
102. Keep options open to apply for membership in established as well as upcoming RFMOs whose agenda will be considered relevant to the Philippine fisheries situation and support conservation and management measures prescribed by these RFMOs	102. BFAR
VIII. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES	
103. Encourage the various sources of bilateral and multilateral assistance to consider giving support for the implementation and enhancement of the this NPOA-IUU	103. DFA
104. Encourage Philippine fisheries institutions to share expertise, experiences and lessons that may be derived in the development and implementation of its NPOA-IUU with other developing countries	104. NFRDI, BFAR, PFDA
105. Collaborate with other developing countries in the areas of training, information exchange and capacity-building, as well as in the harmonization and strengthening of regulatory frameworks, data collection, MCS systems and regional institutions	105. DFA, BFAR
106. Cooperate in the establishment of a voluntary trust fund to address the special requirements of developing countries in fulfilling their commitments and obligations under the IPOA and other international laws	106. DFA, BFAR