

MORATORIUM ON THE ISSUANCE OF NEW COMMERCIAL FISHING VESSEL AND GEAR LICENSE (CFVGL) AS PART OF A PRECAUTIONARY APPROACH TO FISHERIES MANAGEMENT

BFAR FISHERIES ADMINISTRATIVE ORDER NO. 223, S. 2003, December 29, 2003

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WHEREAS, Article 192 of the United Nations Convention on the Law of the Sea, which was ratified by our country in 1984 and which entered into force in 1994, binds the Philippine government to protect and preserve the marine environment;

WHEREAS, Principle 15 of the 1992 Rio Declaration of the United Nations Conference on Environment and Development, Article 6.5 of the Food and Agriculture Organization's Code of Conduct for Responsible Fisheries (CCRF) and other international fisheries instruments prescribe a precautionary approach in the utilization and management of living aquatic resources;

WHEREAS, Article 7.1.8 of the CCRF urges States to take measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources;

WHEREAS, the International Plan of Action (IPOA) for the Management of Fishing Capacity recommends that States should make a preliminary assessment and monitoring of fishing capacity and develop appropriate records of fishing vessels;

WHEREAS, the IPOA to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU fishing) recommends that States should maintain a record of fishing vessels entitled to fly its flag and should ensure that these do not engage in or support IUU fishing;

WHEREAS, Section 7 of Republic Act 8550 or the Philippine Fisheries Code of 1998 mandates the Department of Agriculture (DA) to issue such number of licenses and permits for the conduct of fishery activities subject to the limits of the Maximum Sustainable Yield of the resource as determined by scientific studies or best available evidence;

WHEREAS, Section 107 of RA 8550 authorizes the DA to issue regulations for the conservation, preservation, management and sustainable development of fishery and aquatic resources;

WHEREFORE, in view of these premises, this guideline temporarily suspending the issuance of new CFVGL intended to facilitate an inventory of licensed and unlicensed commercial fishing vessels and gears is hereby issued for the information and guidance of all concerned.

Section 1. Registration for Inventory. - Prior to the one-year moratorium, the Bureau of Fisheries and Aquatic Resources (BFAR) of the DA shall first register for inventory all Philippine commercial fishing vessels and gears and shall issue new or renew licenses during a six-month period from January 21, 2004 to July 21, 2004, inclusive under the following conditions:

- a. All owners/operators shall register their commercial fishing vessels and gears, whether or not licensed by the

BFAR and whether or not registered by the Maritime Industry Authority (MARINA), with the BFAR or its regional offices having jurisdiction where the owner/operator is holding office. No fee whatsoever shall be charged for such registration and the forms to be used for the purpose;

b. Holders of licenses expiring from July 22, 2004 to July 22, 2005, shall cause the same to be registered and licensed. Holders of licenses expiring beyond July 22, 2005, need only to register for inventory their commercial fishing vessels and gears;

c. Owners/operators must have their unlicensed commercial fishing vessels and gears registered for inventory preparatory to their licensing during the period. To be submitted are proof that they have been fishing regularly including documentation on the construction or acquisition of the boat and gear, entries in the course of business, fishing logbooks, document on transactions involving catch, among others, including vessel registration issued by MARINA. Those who will cooperate in this exercise are assured that their cooperation will not constitute confession of any wrongdoing and will not result in legal action against them.

Section 2. Moratorium on the Issuance of New Licenses. - In order to maintain the current level of fishing effort in Philippine waters during the inventory process and to facilitate the establishment of a computerized commercial fishing vessel and gear register, a one-year moratorium on the issuance of new licenses will be put into effect from July 22, 2004 to July 22, 2005, which will apply to the following transactions:

- No new commercial fishing licenses will be issued;
- No new gear or gear types will be licensed;
- Vessels sold or alienated within the period of suspension will not be licensed, except for vessels that have been registered for inventory, which can be licensed during the period of suspension;
- No clearances for importation of fishing vessels will be issued; and,
- Suspension of the implementation of relevant provisions of Fisheries Administrative Order No. 198, except Sections 16-18 and Sections 22-32 thereof.

Section 3. Exception to the One-Year Moratorium. - The following are not covered by the one-year suspension:

- a. Fishing vessels operating in distant or international waters or waters of other countries which allow such fishing operations and those that maybe imported for distant-water fishing will be issued international fishing permits during the period of suspension;
- b. Fishing vessels that are sold or alienated during the period of suspension, provided these were registered for inventory during the six-month registration period;
- c. Replacement of fishing vessels which are lost or destroyed during the period of suspension, provided these were registered for inventory during the six-month registration period; and,
- d. New applications for long line fishing vessels.

Section 4. Administrative Sanctions - Non-participation in the inventory process shall be a ground for:

- the cancellation of existing licenses;
- non-inclusion in the national fishing vessel register to be submitted to the relevant regional fisheries management organizations in compliance with international conventions; and,
- exclusion from the fishery should new access rules be imposed in the future.

Section 5. Effectivity - This order shall take effect fifteen (15) days after publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon registration with the National Administrative Register.

Adopted: 29 Dec. 2003

(SGD.) LUIS P. LORENZO, JR.

Secretary

RECOMMENDING APPROVAL:

(SGD.) MALCOLM I. SARMIENTO, JR.

(SGD.) CESAR M. DRILON, JR.

BFAR National Director

Undersecretary

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