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No. 182

**The Philippines as an Archipelagic and
Maritime Nation:
Interests, Challenges, and Perspectives**

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S. Rajaratnam School of International Studies

Singapore

21 July 2009

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ABSTRACT

The geographic nature of the Philippines as well as its numerous activities in relation to the sea, are integral to the identity of the country and critical in securing its maritime interests. These interests have a number of facets, which include the protection of national territorial integrity, marine resources, maritime industry and the marine environment, as well as the promotion of maritime safety and security. However, current national laws, policies, and programs suggest that the Philippines has not fully taken into account its unique archipelagic and maritime characteristics in addressing its concerns. The Philippines has been progressing more as a maritime nation rather than as an archipelagic nation, largely because of the difficulties in defining the limits of its national jurisdiction consistent with the provisions of the United Nations Convention on the Law of the Sea. This reality calls for a transformation in strategic thinking to develop a truly archipelagic and maritime approach for the Philippines—an approach which would embody both inward and outward looking perspectives in protecting the country's interests and responding to various challenges.

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ACRONMYS

AFP	Armed Forces of the Philippines
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
BIMP-EAGA	Brunei-Indonesia-Malaysia-Philippines East Asian Growth Area
CABCOM-MOA	Cabinet Committee on Maritime and Ocean Affairs
CLCS	Commission on the Limits of Continental Shelf
DENR	Department of Environment and Natural Resources
DFA	Department of Foreign Affairs
EEZ	exclusive economic zone
EO	Executive Order
GRT	gross registered tonnage
KIG	Kalayaan Island Group
IACCC	Inter-Agency Committee on Climate Change
ILO	International Labour Organization
IMO	International Maritime Organization
ISPS (Code)	International Ship and Port Facility Security Code
IUU	illegal, unreported and unregulated (fishing)
JMSU	Joint Marine Seismic Undertaking
LOSC	United Nations Convention on the Law of the Sea
MARINA	Maritime Industry Authority
MILF	Moro Islamic Liberation Front
MT	metric tonnes
PAGASA	Philippine Atmospheric, Geophysical and Astronomical Services Administration
PCG	Philippine Coast Guard
PD	Presidential Decree
PhP	Philippine peso
PPA	Philippine Ports Authority
RA	Republic Act
ReCAAP	Regional Cooperation Against Armed Robbery and Piracy at Sea
SID (Convention)	Seafarers' Identity Documents Convention
SOLAS (Convention)	International Convention for the Safety of Life at Sea
STCW (Convention)	International Convention on the Standards of Training, Certification, and Watchkeeping of Seafarers
SUA (Convention)	Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation
UN	United Nations
US	United States of America
USD	United States dollar
WGS	World Geodetic System

THE PHILIPPINES AS AN ARCHIPELAGIC AND MARITIME NATION: INTERESTS, CHALLENGES, AND PERSPECTIVES

1. THE PHILIPPINE ARCHIPELAGIC AND MARITIME INTERESTS IN CONTEXT

The Philippines is an archipelago composed of more than 7,100 islands with a total coastline length of about 18,000 kilometers. The total land to water ratio is 1:7, with a land area of approximately 300,000 square kilometers and total water area of 2.2 million square kilometers. The population currently stands at 96 million with more than 60 per cent living in coastal areas.

The waters in and around the islands serve as an important medium for inter-island and international transportation and commerce, a source of food and livelihood for the Filipinos, and home to a rich variety of marine species and habitats, many of which are found only in the Philippines. The country ranks tenth among the top marine capture fisheries producing States in the world and is the tenth biggest aquaculture producer. In terms of maritime commerce, the Philippines is in the world's top 35 flags of registration with the largest registered deadweight tonnage. The country also has one of the most significant container traffic among developing economies in terms of volume and is one of the largest suppliers of seafarers in the world.

The Philippines has long considered itself an archipelagic and a maritime nation. The terms “archipelagic” and “maritime” are distinguished in this Working Paper in order to emphasize the unique domestic and international interests of the Philippines with respect to maritime and ocean affairs. Following Part IV of the United Nations Convention on the Law of the Sea (LOSC) on “archipelagic States”, the inter-relatedness of the islands, waters and natural features of the Philippine archipelago suggests the need for the country to protect its marine resources and the environment, as well as the security of its waters from unlawful use and external threats. As a “maritime nation”, the interest in the sea of the Philippines would be in the fields of shipping and commerce, navigation, and naval affairs, including the contribution of its maritime industry to the international maritime economy. Thus an archipelagic and maritime approach for the Philippines encompasses both inward- and outward-looking perspectives in protecting its interests.

This Working Paper discusses the archipelagic and maritime nature of the Philippines and highlights the importance of the geographic configuration of country in protecting and shaping its maritime interests. It also examines the challenges faced by the Philippines in promoting such interests. The Working Paper concludes that in order to fully maximize and secure the maritime resources, areas, and activities of the Philippines, it would need to rethink and establish an archipelagic and maritime strategy or approach. Such strategy, in order to be more effective, need not only involve the instrumentalities of the Philippine government but the nation as a whole.

2. PHILIPPINE MARITIME TERRITORIES, JURISDICTIONS, AND BOUNDARIES

The maritime interests of the Philippines cannot be discussed without reference to the maritime territories, jurisdiction, and boundaries of the country. For a number of decades, the Philippines has been confronted with the legal dilemma on whether or not it should redefine its maritime jurisdictions in accordance with the LOSC.¹ This section briefly discusses some of the issues related to the extent of the national territory of the Philippines, its legislation on maritime zones, exercise of sovereignty over disputed maritime territories, and overlaps of maritime boundaries with neighboring States. For ease of reference, the national territories and maritime jurisdictions of the Philippines are summarized and illustrated at the outset in Figure 1.



Source: National Mapping and Resource Information Authority

Figure 1. The National Territory and Maritime Jurisdictions of the Philippines

2.1 National territory of the Philippines

The national territory of the Philippines is defined in its Constitution. Section 1 of the 1935 Philippine Constitution defined the territory of the Philippines as comprising “...all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington between the United States and Spain on the seventh day of November, nineteen hundred, and the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present Government of the Philippine Islands exercises jurisdiction.”² The lines established in

¹ *United Nations Convention on the Law of the Sea*, Montego Bay, Jamaica, 10 December 1982, 1833 UNTS 3; 21 ILM 1261.

² 1935 Constitution of the Philippines, Art. 1. The colonial treaties referred to in this article are the Treaty of Paris Between Spain the United States, Paris, 10 December 1898, T.S. No. 343 and the Convention Between the US and Great Britain Delimiting the Philippine Archipelago and the State of Borneo, Washington, 02 January 1930, T.S. No. 856. The title to the islands of the Philippines, in

these two treaties called the international treaty limits, provide the territorial borders of the Philippines.³ Further revisions to the provisions on national territory in the Philippine Constitution made no direct reference to the Treaty of Paris or Treaty of Washington in the 1973 and 1987 Philippine Constitutions but constitutional deliberations⁴ indicate adherence to the international treaties as the basis for the territorial borders of the Philippines.

2.2 Philippine Sovereignty over Territories

Apart from the islands lying within the international treaty limits, there are three other territories where the Philippines exercises its sovereignty: Bajo de Masinloc (Scarborough Shoals), Kalayaan Island Group (KIG), and Sabah. The Bajo de Masinloc is a group of islands and reefs located closest to the Philippine Province of Zambales. It lies outside the international treaty limits but within the Philippine exclusive economic zone (EEZ). For the KIG, the territorial boundaries provided in Presidential Decree (PD) 1596 of 1978 represent a polygon area adjacent to the western international treaty limits where the Philippines exercises its sovereignty.⁵

The Philippines also exercises sovereignty over a portion of north Borneo, now known as the Malaysian state of Sabah. The basis of the Philippine sovereignty over Sabah is traced to the title of the Sultanate of Sulu.⁶ The Philippines has further expressed its jurisdiction over Sabah under Republic Act (RA) 5446 which defined the baselines of the Philippines in 1968.⁷ One area where the Philippine position is not as clear compared to its stance on other territories is with respect to the jurisdiction of the country over Las Palmas or Miangas Island. Las Palmas Island lies within the international treaty limits, but has been claimed by Indonesia based on the arbitral award given to Netherlands on its dispute with the US on the island.⁸

2.3 Philippine Laws on Baselines and Maritime Zones

The conflicting regimes between domestic laws and the LOSC may be better understood in light of related legislation on maritime jurisdiction enacted prior to the Philippine ratification of the Convention. First and foremost, RA 3046 of 1961, as

particular Cagayan, Sulu and Sibutu and their dependencies, which were lying outside the lines established under the Treaty of Paris were relinquished to the United States by Spain under another treaty and form part of the Philippine archipelago. See Treaty Between Spain and the US for the Cession of Outlying Islands for the Philippines, Washington, 07 November 1900, T.S. No. 345.

³ Treaty of Paris, Art. III; US-UK Treaty, Art. I and II. For a more thorough analysis of the legal basis of the international treaty limits, see Lowell B Bautista, "The Historical Context and Legal Basis of the Philippine Treaty Limits," *Asia-Pacific Law and Policy Journal* 10:1 (2008), pages 1-31.

⁴ "Minutes of the Proceedings on the National Territory of the 1971 Constitutional Convention, Minutes of the Session," in Raphael Perpetuo M. Lotilla, ed., *The Philippine National Territory*, Manila: University of the Philippines Law Centre and Foreign Service Institute, 1995, pages 412-428.

⁵ *Presidential Decree No 1596*, Declaring Certain Areas Part of the Philippine Territory and Providing for their Government and Administration, 11 June 1978.

⁶ Institute of International Legal Studies, *The Philippine Claim to a Portion of North Borneo: Materials and Documents*, Quezon City: University of the Philippines Law Center, 2003.

⁷ *Republic Act No 5446*, an Act to Amend Section One of Republic Act No 3046, entitled "An Act to Define the Baselines of the Territorial Sea of the Philippines," 18 September 1968.

⁸ The Palmas Island Arbitration, 22 *American Journal of International Law* 735-52 (1928).

amended by RA 5446 of 1968 provided for the straight baselines of the Philippines.⁹ Under RA 3046, and the 1987 Philippine Constitution, all waters within the baselines are considered inland or internal waters of the Philippines.¹⁰ Similarly, RA 3046 provided that all the waters from the baselines to the international treaty limits form part of the territorial sea of the country. These provisions are regarded as contrary to legal concept of archipelagic waters and territorial sea under the LOSC.

Presidential Decree 1599, enacted on the same day as PD 1596 in 1978, established a 200 nautical mile EEZ of the Philippines measured from its baselines.¹¹ In terms of geographic extent, the Philippine EEZ overlaps with the territorial sea of the Philippines within the international treaty limits and the regime established on the KIG under PD 1596. The Philippines also has enacted legislation with regard to the continental shelf, primarily on its resources.¹²

2.4 Republic Act 9522 of 2009 on the Archipelagic Baselines of the Philippines

After decades of debate at the legislative and executive fora, RA 9522 on the Archipelagic Baselines of the Philippines was enacted in March 2009.¹³ The new baselines law updated RA 5466 by adopting a straight archipelagic baselines system consistent with Article 47 of the LOSC. RA 9522 further provides that the baselines in the KIG and the Bajo de Masinloc will be determined based on the ‘regime of islands’ provided under Article 121 of the LOSC.¹⁴

Two weeks after RA 9522 was signed into law, a petition for certiorari and prohibition to nullify RA 9522 for being unconstitutional was filed before the Supreme Court of the Philippines.¹⁵ One of central arguments in the petition is that establishing archipelagic baselines changes the status of Philippine waters both landward and seaward of the baselines, contrary to what is provided in the Philippine Constitution. There are valid legal arguments for and against the relevant provisions of the RA 9522 in this regard and such positions cannot coincide;¹⁶ hence it can be

⁹ *Republic Act No 3046*, An Act to Define the Baselines of the Territorial Sea of the Philippines, 17 June 1961.

¹⁰ *RA 3046*, Sec. 2; *1973 Philippine Constitution*, Art. 1; *1987 Philippine Constitution*, Art. 1.

¹¹ Presidential Decree No 1599, Establishing an Exclusive Economic Zone and for Other Purposes, Manila, adopted 11 June 1978, in force 30 April 1979.

¹² See *Republic Act No 387*, An Act to Promote the Exploration, Development, Exploitation and Utilization of the Petroleum Resources of the Philippines, to Encourage the Conservation of such Petroleum Resources; to Authorise the Secretary of Agriculture and Natural Resources to Create an Administration Unit and a Technical Board in the Bureau of Mines; to Appropriate Funds therefore; and for other Purposes, 1949; *Presidential Proclamation No 370*, Declaring as Subject to the Jurisdiction and Control of the Republic of the Philippines all Mineral and other Natural Resources in the Continental Shelf of the Philippines.

¹³ *Republic Act 9522*, An Act to Amend Certain Provisions of Republic Act No 3046, as Amended by Republic Act No 5046, to Define the Archipelagic Baselines of the Philippines, and for Other Purposes, 10 March 2009.

¹⁴ *RA 9522*, sec. 2.

¹⁵ Petition for Certiorari and Prohibition with Prayer for the Issuance of a Writ of Preliminary Prohibitory Injunction and/or a Temporary Restraining Order, *S.C. G.R. No 187167*, April 2009.

¹⁶ See Merlin M Magallona, “Problems in Establishing Archipelagic Baselines for the Philippines: The UNCLOS and the National Territory,” in Institute of International Legal Studies, *Roundtable Discussion on Baselines of Philippine Maritime Territory and Jurisdiction*, Quezon City: University of the Philippines Law Center, 1995, pages 1-21; Jay L Batongbacal, “The Maritime Territories and

expected that any decision taken by the Philippine Supreme Court will have its legal, economic, political, and policy implications.

The reference made in RA 9522 on the future determination of baselines around the Bajo de Masinloc and KIG consistent with Article 121 of the LOSC is being questioned because such provision is deemed to weaken the Philippine territorial claim to such islands. Similarly, it has been posited that the lack of specific provisions on Sabah in the new law is construed as a diminution of the country's sovereignty over this territory.¹⁷ The provision on the regime of islands in RA 9522 has further increased tensions with neighboring States with claims in the South China Sea.¹⁸ In terms of interpreting the relevant provision of RA 9522 however, a more critical question lies on the application of Article 121 under the LOSC in determining the baselines of KIG, where some of the islands are occupied by other States.

2.5 Maritime Boundary Delimitation with Neighboring States

The Philippines has overlapping maritime zones with seven neighboring States: China, Japan, Taiwan, Malaysia, Vietnam, Indonesia, and Palau. It has yet to enter into an agreement on maritime boundary delimitation with any of these States. In some of these shared waters however, the Philippines has entered into functional cooperative arrangements, particularly in areas of fisheries research, information exchange, and joint patrols and monitoring.

2.6 Submission for an Extended Continental Shelf

In April 2009, the Philippines presented a partial submission to the Commission on the Limits of the Continental Shelf (CLCS) on the outer limits of its continental shelf extending beyond 200 nautical miles from the baselines in the Benham Rise Region, in the eastern part of the Philippines.¹⁹ This area is not subject to maritime boundary disputes or claims. The Philippines also maintains that it has continental shelves in the western region. However, that region includes the South China Sea, which is known to have a number of territorial disputes.²⁰

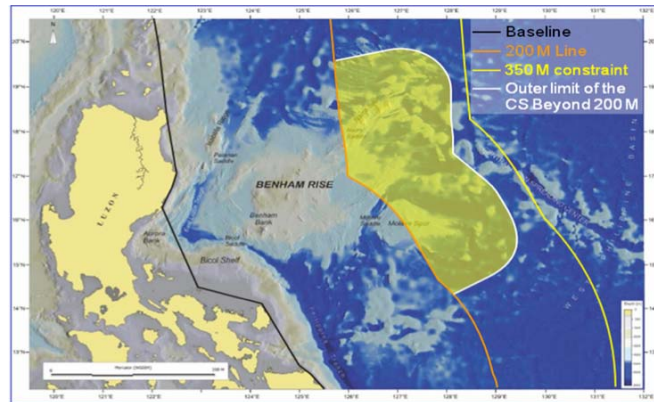
Jurisdictions of the Philippines and the United Nations Convention on the Law of the Sea," *Philippine Law Journal* 76:2 (2001), pages 122-168.

¹⁷ Angelo Gutierrez, SC Asked: Declare Baselines Law Unconstitutional, www.abs-cbnnews.com; Johanna Camille Sisante, Solons air questions over approval of RP Baselines Bill, www.gmanews.tv; Tessa Jamandre, Void New Baselines Law, Urge Constitutional Law Experts, www.gmanews.tv. Accessed on 07 April 2009.

¹⁸ China Lodges Stern Protests Over Baselines Bill of the Philippines, www.fmprc.gov.cn; Heda Bayron, *New Philippine Border Law Re-ignites Territorial Disputes in South China Sea*, www.voanews.com; Mia M Gonzalez and Estrellla Tores, *Baselines bill signed, China protests*, www.businessmirror.com.ph. Accessed on 21 April 2009.

¹⁹ Republic of the Philippines, A Partial Submission of Data and Information on the Outer Limits of the Continental Shelf of the Republic of the Philippines Pursuant to Article 76(8) of the United Nations Convention on the Law of the Sea, 8 April 2009. http://www.un.org/Depts/los/clcs_new/submissions_files/submission_phl_22_2009.htm. Accessed on 15 May 2009.

²⁰ Paragraph 5(a) of Annex I of the CLCS Rules of Procedure provides that "(I)n cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute. However, the Commission may consider one or more submissions in the areas under dispute with prior consent given by all States that are parties to such a dispute."



Source: Philippines, A Partial Submission of Data and Information on the Outer Limits of the Continental Shelf of the Republic of the Philippines Pursuant to Article 76(8) of the United Nations Convention on the Law of the Sea, 8 April 2009.

Figure 2. Extended Continental Shelf Submission of the Philippines

Some of the neighboring States of the Philippines with whom it shares its boundaries have also submitted the limits of their extended continental shelves to the CLCS. Malaysia and Vietnam have provided a joint submission,²¹ the extended continental area of which overlap partly with some of the Philippine-occupied islands in the KIG. Such submission would have an impact on the implementation of the provision on the regime of islands under RA 9522.

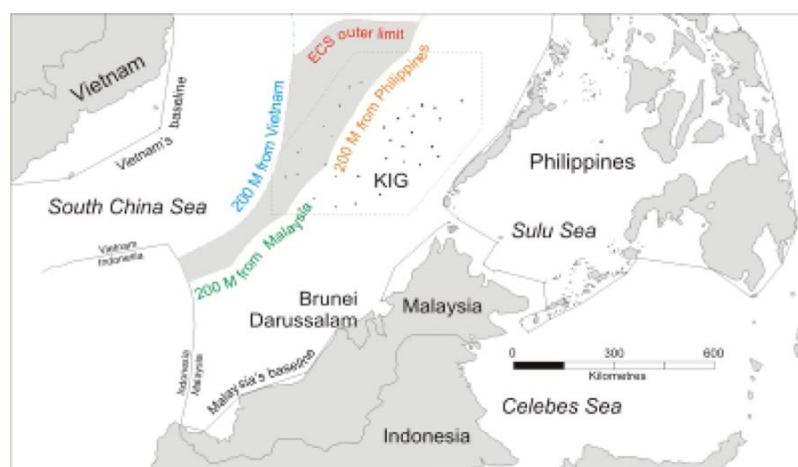


Figure 3. Overlap of the Malaysia-Vietnam Joint Extended Continental Shelf Submission with the KIG Area

Palau has likewise submitted data for the limits of its continental shelf beyond 200 nautical miles,²² the area of which has taken account the Philippine EEZ.

²¹ Malaysia and the Socialist Republic of Vietnam, *Joint Submission to the Commission on the Limits of the Continental Shelf, pursuant to Article 76, paragraph 8 of the United Nations Convention on the Law of the Sea 1982 in respect of the southern part of the South China Sea*, May 2009.

²² The Republic of Palau, *Executive Summary, Submission to the Commission on the Limits of the Continental Shelf, Pursuant to Article 76 of the United Nations Convention on the Law of the Sea*, 8 May 2009.

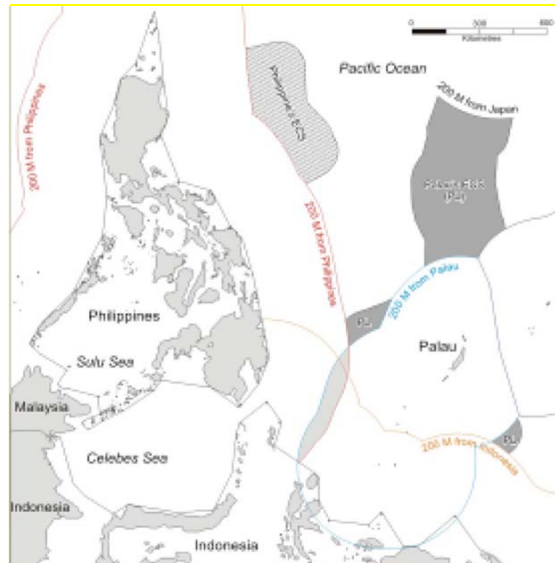


Figure 4. Palau's Extended Continental Shelf Submission and Adjacent Philippine Waters

3. NAVIGATIONAL ISSUES

One of the concerns in defining the limits of the national territory is the navigational regime in Philippine waters. The primary issue with respect to changing the status of the waters around and between the Philippine islands from internal waters to archipelagic waters is with respect to navigation of foreign vessels.

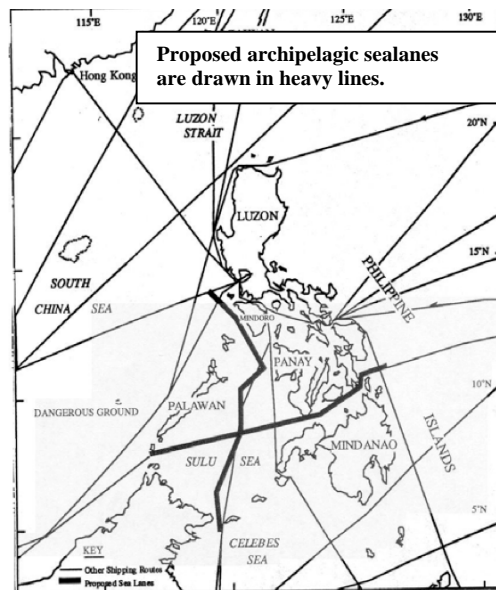
3.1 International Navigational Routes

There are a number of international navigational routes criss-crossing Philippine islands and waters, the five most important of which are: (a) Luzon Strait-Bashi Channel-Balintang Channel, and Babuyan Channel; (b) Verde Island Passage-San Bernardino Strait; (c) Mindoro Strait-Basilan Strait-Sibutu Passage; (d) Surigao Strait-Balabac Strait; and (e) Balut Channel. Among these navigational routes, the Luzon, Surigao, and Balabac Straits are critical for military activities while other major areas of Philippine waters are used for international tanker traffic.

The Philippines has not enacted a specific legislation on international navigation in its internal (now archipelagic) waters, except for purposes of marine environmental protection.²³ In practice, it complies with the requirements of the LOSC in terms of allowing vessels to transit in its waters. However, the Philippines has expressed concern over the military activities in its EEZ.²⁴ There have also been questions on the extent of national territory with respect to air defense in the Philippines.

²³ *Presidential Decree No 979*, amending Presidential Decree No. 600, Marine Pollution Decree of 1974, 18 August 1976, sec 4.

²⁴ Stuart Kaye, "Freedom of Navigation in the Indo-Pacific Region," *Papers in Australian Maritime Affairs No 22*, Canberra: Commonwealth of Australia, 2008, page 34.



Source: Mario Manansala, "Designation of Archipelagic Sea Lanes in the Philippines, in Maribel B Aguilos, ed., *Ocean Law and Policy Series, Issue Focus: Designation of Sea Lanes in the Philippines*, 1:1 (1997), page 11.

Figure 6. Proposed Archipelagic Sealanes for the Philippines

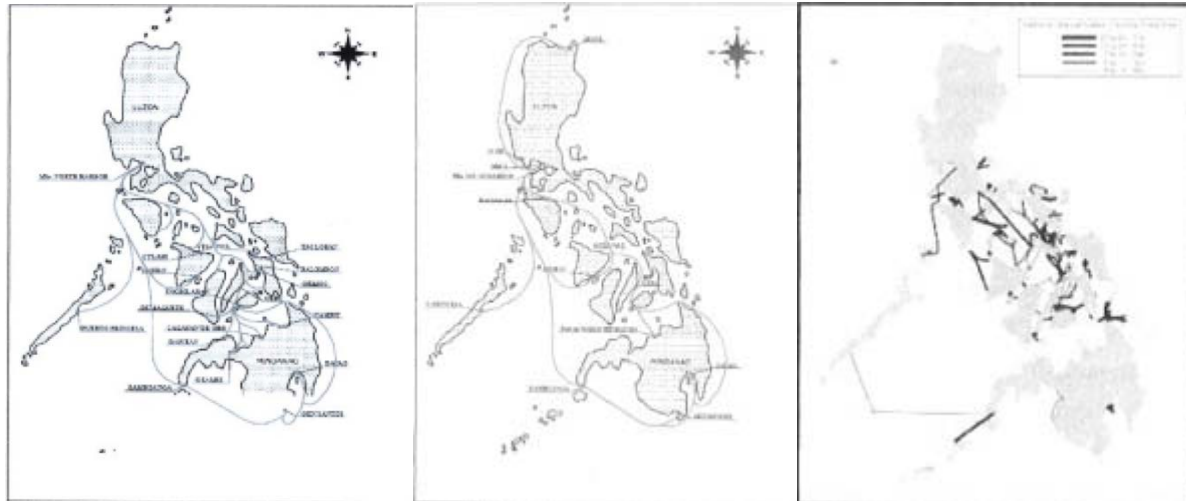
Discussion on archipelagic sealanes has not progressed since this proposal, and may not do so until the issues surrounding the enactment of RA 9522 are resolved. Nevertheless a number of factors may be considered when the Philippines decide to designate archipelagic sealanes, such as the number of sealanes that the government can operate effectively; measures for safe, expeditious and continuous passage; the interests of security, inter-island shipping, fisheries and other affected users; protection of the marine environment; and possible connection with the Indonesian archipelagic sealanes.²⁸

3.3 Domestic Routes

The Philippine islands are interlaced by shipping routes for domestic transport and trade. The domestic routes in the Philippines are traversed by tanker vessels used for the distribution of petroleum in the country, merchant fleet used for domestic trade such as passenger-cargo, cargo, and passenger ships, fast crafts, and vessels conducting fishing operations.²⁹ With thousands of domestic vessels plying Philippine waters, the Philippines are confronted with environmental, safety and security concerns further discussed in sections 6 and 7.

²⁸ Renato B Feir, "Technical Considerations in Designating Archipelagic Sea Lanes," in Maribel B Aguilos, ed., *Ocean Law and Policy Series, Issue Focus: Designation of Sea Lanes in the Philippines*, 1:1 (1997), pages 12-14.

²⁹ Philippine Coast Guard, *Emergency Preparedness Plan*, no date, pages 7-14.



Cargo and Passenger Service Routes Liner Container Shipping Routes Small Fishing Vessel Routes
Source: Philippine Coast Guard, Emergency Preparedness Plan.

Figure 7. Examples of Domestic Route Services in the Philippines

4. MARINE RESOURCES OF THE PHILIPPINES

The protection of the marine resources in the Philippines is one of the key components in maintaining the integrity of the Philippine archipelago. The Philippines abound in both living and non-living resources. Living resources include fish, invertebrates, and marine mammals, including marine habitats, while non-living resources comprise oil, gas, and minerals. In this section, only fisheries, marine habitats, and oil and gas resources are discussed in detail.

4.1 Marine Habitats

The Philippine waters have one of the richest fauna and flora in the world. Its coral reef system covering about 27,000 square kilometers provide 15 per cent of the country's marine fisheries. Some studies indicate that the reefs in the country contribute about USD1.35 billion to the national economy and that one square kilometer of healthy Philippine reef may generate an annual net revenue of USD29,400 to USD113,000.³⁰ The Philippines has a large mangrove area and a seagrass area which is second highest in the world in terms of diversity. There are also other marine habitats protected under Philippine law such as sanctuaries, heritage sites, protected seascapes, and fisheries refuges. The coral reefs, mangrove forests, and seagrass beds are habitats to more than 1,400 species of fish and crustaceans, more than 900 species of seaweeds, and an unknown number of other species.³¹ Other marine resources include dugongs, sea turtles, invertebrates, giant clams, whales, and dolphins.

³⁰ Alan T White, Michael Ross and Monette Flores, *Benefits and Costs of Coral Reef and Wetland Management, Olango Island, Philippines*, CRMP Document No 04-CRM/2000, oneocean.org/download, Accessed on 15 March 2009, page 2.

³¹ The Coastal Resource Management Project, *Our Seas, Our Life: A Guide to Understanding Ocean Life and Its Importance to Us*, <http://oneocean.org/download>, Accessed on 15 March 2009, page S1-2a.

It is difficult to determine the exact value of the marine areas in the Philippines because of the rich biological diversity that marine habitats provide. Furthermore, some of the uses of these areas are largely unquantifiable, such as their provision of feeding and breeding grounds for fish, as well as their ability to protect marine resources, the coast, and human settlement from damages caused by erosion, storms, waves, and wind. It is thus alarming to note that only 5 per cent of the coral cover in Philippine waters is deemed to be in excellent condition. Similarly, mangroves have shrunk from 450,000 hectares in the 1900s to 150,000 hectares today.³² Despite different laws, regulations, policies, and programs governing their protection, marine habitats continue to be threatened by coastal development, agricultural run-offs, sewage, overfishing, destructive fishing methods, and poorly managed marine uses and activities.

4.2 Fisheries Resources

Fish provides about 50 per cent of animal protein in the Philippines, or as high as 80 per cent for coastal areas.³³ Apart from its critical role in maintaining food security, fisheries resources also contribute significantly to the Philippine economy. The contribution of the fishing industry to the Gross Domestic Products of the country is about 4 per cent or PhP41.772 billion (or about USD746 million) at constant prices.³⁴ Fisheries production has increased from 2.63 million metric tonnes (MT) valued at PhP70.2 billion (or about USD1.25 billion) in 1992 to 4.4 million MT or PhP163.4 billion (or about USD3.4 billion) in 2006.³⁵ The fishing industry generates an employment of more than one million people, 68 per cent of whom are employed in municipal waters.³⁶

There are a number of threats leading to the decline of fisheries resources in the Philippines, such as overfishing and unsustainable fishing practices.³⁷ Another challenge to the sustainability of fisheries is illegal, unreported and unregulated (IUU) fishing.³⁸ It is estimated that the Philippines loses PhP50 billion or almost USD1 billion dollars annually due to illegal fishing activities alone. This estimate only accounts for the value of the seized fish and does not reflect the actual loss that may result from the impact of such activities on fish habitat and social dislocation of artisanal fishers. For example, the net loss to the Philippine reefs from blastfishing is

³² Ibid, page S1-2a; See also Dioscoro M Melana, Emma Melana, and Amuerfino M Mapalo, "Mangrove Management and Development in the Philippines," *Presented at the Meeting on Mangrove and Aquaculture Management*, Bangkok Thailand, 14-16 February 2000, page 2.

³³ Catherine A Courtney, J A Atchue III, Marco Carreon, Alan T White, Rebecca Pestaño-Smith, Evelyn Deguit, Rupert Sievert, and Rex Navarro, *Coastal Resource Management for Food Security*, CRMP Document No 39-CRM/1998, page 4.

³⁴ Philippines, Department of Agriculture (DA), Bureau of Fisheries and Aquatic Resources (BFAR), *Philippine Fisheries Profile, 2002*, Quezon City: DA-BFAR, 2002, page 4.

³⁵ DA-BFAR, *Philippine Fisheries Profile 2002*, pages 8-9. See also DA-BFAR, *Philippine Fisheries Profile, 2001*, Quezon City: DA-BFAR, 2001, pages 8-9.

³⁶ Municipal waters in the Philippines are generally measured as 15 kilometers from the coastline. See Sec. 2 and 4(58) of the Philippine Fisheries Code 1998.

³⁷ See Department of Agriculture, Bureau of Fisheries and Aquatic Resources, *In Turbulent Seas: the Status of Philippine Marine Fisheries*, Coastal Resource Management Project of the Department of Environment and Natural Resources, Cebu City, 2003.

³⁸ See Mary Ann Palma, *An Analysis of the Adequacy of the Philippine Legal, Policy, and Institutional Framework to Combat Illegal, Unreported and Unregulated Fishing*, Thesis unpublished, Doctor of Philosophy, Centre for Maritime Policy, University of Wollongong, Australia, 2006.

estimated to be USD1.64 billion over the next 20 years.³⁹ Losses on illegal fishing within Philippine jurisdiction of the Sulu-Sulawesi Sea are estimated at USD1.6 million.⁴⁰

Another issue in Philippine fisheries is the negative impact of live reef fish trade on marine habitats. The live reef fish trade is a lucrative industry in the Asia Pacific valued at approximately USD30 million for the Philippines alone.⁴¹ The main problems associated with live reef fish trade are the use of destructive fishing methods affecting coral reefs and overfishing of selected species in their immature or spawning aggregation stages. The high prices and demand for fish have made it difficult for the Philippines to address this problem in the last decades.

4.3 Offshore Oil and Gas Resources⁴²

Offshore oil and gas resources in the Philippine have remained largely untapped until recently. Domestic production of oil in the Philippines began in the 1970s in limited volume. From 2007 however, oil production has increased to 23 thousand barrels per day primarily due to the development of new offshore deepwater oil deposits. Oil production in the Philippines meets only 7 per cent of domestic oil consumption.

Compared to offshore oil production, it is the gas development in the Philippines which has taken off significantly because of the Malampaya gas field. The Malampaya Deepwater Gas-to-Power Project was inaugurated in 2001 and has been operated by Shell, Chevron, and the Philippine National Oil Company. This USD4.5 billion project is the largest natural gas development project in Philippine history and one of the largest foreign investments in the country. In 2006, gas production and consumption in the Philippines stood at 88.3 billion cubic feet, a growth of over 200 percent since 1995. All of the country's gas production is consumed domestically.

4.4 The Need to Protect the Marine Resources of the Philippines

Aside from the need to promote the sustainability of marine resources, the rationale behind the protection of resources in Philippine waters is found in the Philippine Constitution. Article XII Section 2 of the Philippine Constitution provides that “(t)he State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.”⁴³ In addition, Section 7 of the Philippine Constitution specifically

³⁹ Department of Environment and Natural Resources (DENR), Department of Agriculture Bureau of Fisheries and Aquatic Resources (DA-BFAR), Department of Interior and Local Government (DILG), and Coastal Resource Management Project (CRMP), *Philippine Coastal Management Guidebook Series No. 8: Coastal Law Enforcement*, Cebu City, Philippines, 2001, page 2.

⁴⁰ Mary Ann Palma and Martin Tsamenyi, *Case Study on the Impacts of Illegal, Unreported and Unregulated Fishing in the Sulawesi Sea*, APEC Fisheries Working Group, FWG 02/2007, Wollongong: University of Wollongong, 2008, page 24.

⁴¹ Robert S Pomeroy, Michael D Pido, John Francisco A Pointillas, Benjamin S Francisco, Alan T White, and Geronimo T Silvestre, *Evaluation of Policy Options for the Live Reef Food Fish Trade: Focus on Calamianes Islands and Palawan Province, Philippines, with Implications for National Policy*, December 2005, page 2.

⁴² Energy Information Administration, *Country Analysis Briefs: Philippines*, www.eia.doe.gov. Accessed 09 October 2008.

⁴³ See also Peter B Payoyo, “Legal Framework for the Development and Management of Non-living Marine Resources: Philippine Concerns,” in Joseph Sedfrey S Santiago, ed., *Problems, Prospects and*

provides for the preferential rights of subsistence fishers to use communal marine and fishing resources and the protection of such rights from unauthorized access by foreign fishers.

On the other hand, the rights to exploit natural resources under the Philippine Constitution take a different form. The Philippine Constitution has vested on the state full control and supervision over the exploration, development, and utilization of natural resources. The State may directly undertake such activities, or it may enter into co-production, joint venture or production-sharing agreements with Filipino citizens, corporations or associations at least 60 per cent of whose capital is owned by Filipino nationals.⁴⁴ The same provision states that the President of the Philippines may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development and exploitation of minerals, petroleum and other mineral oils.

A number of issues have been raised in respect of state agreements with foreign owned companies, particularly involving activities conducted around the KIG. There have been assertions that allowing claimant neighboring States of the islands to be involved in the exploration of the area is unconstitutional. It is further argued that such activities may even mean recognition of the co-extensive entitlement of other parties in the area.⁴⁵ An example of an activity confronting these issues is the Joint Marine Seismic Undertaking (JMSU) forged between the Philippines, China, and Vietnam on potential petroleum resources in parts of the South China Sea. Even though the national oil companies of the three countries have only conducted seismic surveys and not exploratory drillings, the agreement has created a clamor among the public on the possible diminution of the Philippine sovereignty over the KIG by permitting the conduct of such activities. Another problem yet to be resolved by the Philippines is the sharing of proceeds between the national and local governments in the Malampaya Deep Water to Gas Project service contract.

5. MARITIME TRANSPORT

The maritime transport industry of the Philippines mainly comprises domestic and overseas shipping, maritime labor, and port use. Among the many contributions of the industry to the Philippine economy, the most significant in terms of value are the withholding taxes on bareboat charter hire which has reached a total of PhP104.36 million (or USD 2.17 million) in 2005, the remittances of Filipino seafarers which registered PhP91.96 million (or USD1.91 million) in the same year, and revenues collected by maritime agencies from application fees, fines and penalties.⁴⁶ The progress of the maritime transport industry also reflects the status of the Philippines as a maritime nation.

Policies: Non-living Marine Resources of the Philippines: Policy and Legal Concerns, A Roundtable Discussion, Quezon City: University of the Philippines Law Center, 1993.

⁴⁴ 1987 Philippine Constitution, Art. XX sec 2.

⁴⁵ Ruben C Carranza, Jr., "The Kalayaan Islands Group: Legal Issues and Problems for the Philippines," *The World Bulletin* 10:506 (1994), page 68.

⁴⁶ Maritime Industry Authority, 2006 Annual Report, www.marina.gov.ph, Accessed 10 June 2009.

5.1 Shipping Industry

The Philippine maritime industry may be divided into three sectors: domestic shipping, overseas shipping, and shipbuilding and ship repair. Domestic shipping in the Philippines has experienced significant progress in the last decade. There are about 5,000 domestic vessels with a total gross register tonnage (GRT) of 1.5 million in the Philippines.⁴⁷ General cargo vessels dominate the domestic merchant fleet although container vessels and passenger-cargo vessels have also been increasing in number and capacity. The number of accredited domestic shipping enterprises has also increased from 24 in 1991 to 119 in 2002.⁴⁸ Some of these companies have joint venture agreements with foreign investors. The policies and programs of the Philippines on liberalization and deregulation, streamlined administration, and incentives and financing for the domestic shipping industry have resulted in the greater investment into the industry, additional vessel acquisitions, and quality of shipping services.

Unlike in domestic shipping, the Philippine-registered overseas fleet has decreased both in the number of vessels and tonnage and number of accredited companies. There are 165 vessels registered in the Philippines plying international waters in 2005.⁴⁹ Most of these Philippine vessels are involved in tramp shipping and hardly call at Philippine ports. About 80 per cent of Philippine exports are carried by foreign vessels; only 10 per cent are carried by Philippine vessels; and the rest of the exports are transported by air.⁵⁰ In order to improve the overseas shipping sector, the Philippines has undertaken developmental efforts in terms of including overseas shipping in the investment priorities of the country, improving incentive schemes, and pursuing bilateral shipping agreements.

The changes in domestic shipping have increased the production and economic activities of Philippine islands. However, there are other issues that would need to be addressed in order to strengthen the shipping industry. One issue relates to cabotage, which currently limits the right to engage in coastwise trade to vessels of Philippine registry.⁵¹ The export sector sees cabotage as a constraint to their access to the services of foreign shipping lines because of its cost and inefficiency.⁵² A number of Philippine vessels have also been re-flagging to other States.

A component of the Philippine maritime industry which the government has continuously given attention to is the shipbuilding and ship repair sector. The growth in this sector may be seen in the increasing number of licensed shipbuilding and ship

⁴⁷ Maritime Industry Authority, *The Domestic Shipping Industry of the Philippines: A Situation Report*, www.marina.gov.ph. Accessed on 10 March 2009.

⁴⁸ Ibid.

⁴⁹ Maritime Industry Authority, *Situation Report 2005: Overseas Shipping Sector*, www.marina.gov.ph. Accessed on 10 March 2009.

⁵⁰ Ibid.

⁵¹ *Tariff and Customs Code*, sec. 810, 901, 902, 905, and 1009

⁵² Jay Batongbacal, "Cabotage," in Maribel B Aguilos and Rogelio C Camaya Jr, eds., *Ocean Law and Policy Series, Issue Focus: Marine Transportation 3: 1-2* (1999), page 170.

repair companies, vessels constructed for local use and export, and foreign ships dry-docked and repaired, as well as the capacity of shipyards.⁵³

5.2 Maritime Labor

The Philippines supplies about 28 per cent of the seafarers to the international marine transport sector. According to global estimates, there are 46,359 officers and 74,040 ratings from the Philippines in 2005.⁵⁴ However, the actual number of registered and deployed Filipino seafarers is double this estimate.

In the 1990s to early 2000, the struggle of the Filipino seafaring industry focused on the implementation of the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW Convention).⁵⁵ After the Philippines made it to the White List signifying its full compliance with STCW Convention requirements, it continued to improve on maritime education and training and endeavors to fully implement International Maritime Organization (IMO) and International Labor Organization (ILO) conventions related to seafarers. In order to keep its position as the primary supplier of seafarers, three issues would need to be addressed by the Philippines: the competitiveness of other seafarer markets such as India, China, Eastern Europe, and Pacific Island countries; implementation of the Seafarers' Identity Documents (SID) Convention 2003; and the protection of Filipino seafarers from threats of piracy and kidnap for ransom, particularly off the coast of Somalia.

5.3 Port Use

Shipping in the Philippines will not thrive without the vital role of ports as means to transport goods and people. Almost 98 per cent of materials and products imported and exported by the Philippines are handled by ports.⁵⁶ The current efforts of the Philippine Ports Authority (PPA) are centered on 42 ports nationwide, which have been identified as ports crucial to economic development. These ports are slated for major development in infrastructure and equipment to enhance their competitive global advantage. These ports are also at the forefront of earning custom levies and tariffs where the Philippines derives more than 10 per cent of its annual revenue.⁵⁷

⁵³ Maritime Industry Authority, *Shipbuilding and Ship Repair Sector (SBSR): A Situation Report*, www.marina.gov.ph. Accessed on 10 March 2009.

⁵⁴ Country survey estimate was reduced by 50 per cent by BIMCO/ISF. Original survey data provided by the Philippines are 97,842 officers and 158,934 ratings. *BIMCO/ISF Manpower 2005 Update: The Worldwide Demand for and supply of Seafarers, Main Report*, University of Warwick: Institute for Employment Research, December 2005, page 51.

⁵⁵ Mary Ann E Palma, "Facing the Hurdles of Implementing the STCW Convention: A Challenge to the Filipino Seafaring Industry," in A. Suzette V Suarez and Rogelio Cabrera Camaya, eds., *Ocean Law and Policy Series*, 4:1-2 (2000).

⁵⁶ Philippine Ports Authority Website, *Ports and Economic Growth*, www.ppa.com.ph. Accessed on 05 May 2009.

⁵⁷ Bureau of Customs Website, *The BOC Profile*, www.boc.gov.ph. Accessed on 11 April 2009. Examples of these ports are Manila, Manila International Container Terminal, San Fernando (port of entry for fertilizers, imported coal, gypsum, slag, various machineries and general cargo), Subic, Batangas (oil, economic zone), Legazpi, Tacloban (for fertilizer, electrolytic copper cathodes, and the importation of liquified petroleum gas, salt, crude coconut oil, copra pellets and copra), Cebu (for container vessels, mixed cargo freighters, and super luxury liners), Iloilo, Zamboanga, Cagayan de Oro, Davao, and Surigao.

6. PRESERVATION OF THE MARINE ENVIRONMENT AND MARITIME SAFETY

Crucial to the protection of the marine resources of the Philippines and the development of the maritime industry are the preservation of the marine environment and maritime safety. The geographic nature of the Philippines makes it vulnerable to marine pollution and marine accidents and disaster. The negative impacts of climate change are also being increasingly felt in the islands and coasts of the Philippines.

6.1 Marine Pollution

Reports indicate that the environmental situation of the Philippines is generally very poor, particularly in urban areas.⁵⁸ The Department of Environment and Natural Resources (DENR) indicates that about 15 per cent of the water bodies in the Philippine waters are at a disturbing level of organic pollution.⁵⁹ Marine pollution in the Philippines are caused by land- and sea-based sources, including sewage, agricultural runoffs, chemical discharges, hazardous and toxic substances, and operational and accidental oil discharge. As an example, the country experiences an average of 23 oil spills a year.⁶⁰ Some of the major incidents of oil and chemical spills have affected multiple municipalities to the detriment of coastal resources and livelihood.

The Philippines has numerous environmental policies, laws and regulation that prevent, abate, contain, and control land- and sea-based sources of pollution. It has developed guidelines to address the transport and dumping of chemical and hazardous wastes, implements national and local oil spill contingency plans supplemented by contingency plans of private firms, and conducts environmental monitoring programs to protect marine habitats and resources from marine pollution. However there are still gaps in the marine environmental management in the Philippines that need to be addressed such as the establishment of a stricter liability regime against identified polluters, adequate compensation regime for those affected by the pollution, risk assessment systems, more robust contingency plans, and coordinated emergency and crisis preparedness. There are also marine environmental issues that need further examination and regulation such as persistent organic pollutants and marine invasive species.

6.2 Maritime Safety

Another important factor in promoting the growth of the maritime industry is the safety of life and property at sea. According to the Philippine Coast Guard (PCG), there are about 170 recorded marine accidents mostly involving Philippine-flagged vessels in the country's waters for the past twenty years.⁶¹ This number does not include marine accidents recorded by the Maritime Industry Authority (MARINA)

⁵⁸ Department of Environment and Natural Resources, *Guidebook on Environmental Management System, Pollution Prevention/Cleaner Production and Environmental Cost Accounting*, Quezon City: DENR, 2003, page 3.

⁵⁹ Ibid., page 3.

⁶⁰ Philippine Coast Guard, *Emergency Preparedness Plan*, no date, page 2.

⁶¹ Department of Transportation and Communications, Philippine Coast Guard, *Summary of Marine Accident 1986-2008*, May 2009.

which do not necessarily correspond with PCG records. Some of these incidents involve grounding of vessels, oil pollution, collision, capsizing of vessels, fire on board vessels, and engine explosions. While some of these incidents have been caused by typhoons and natural disasters, some cases have been due to human error or malicious attacks and resulted not only in the loss of ships but more importantly the lives of crew and passengers. Among the most disastrous cases in terms of loss of lives are the collision of the *MV Super Ferry 12* and *MV San Nicholas* in 2003, fire on board *MV Maria Carmela* in 2002 and *MV Super Ferry 14* in 2004, and capsizing of *MV Princess of the Stars*, *MBca Don Dexter*, and *MBca Mae Juan* in 2008.⁶² There are other incidents which may not have involved the loss of lives but caused injury to numerous passengers and crew and damage to property.

In order to prevent marine disasters, Philippine maritime agencies continue to improve their services to ensure the safety of navigation particularly in areas with high level of vessel traffic. Apart from ratifying and implementing IMO-related conventions on maritime safety, the Philippines conducts search and rescue operations and vessel inspections in ports, supervises salvage operations, establishes aids to navigation and traffic separation schemes, disseminates maritime safety information to vessels transiting Philippine waters, deploys marshals at sea, and provides safety and security services to offshore oil and gas exploration projects.

6.3 Natural Disaster Response

The geographical location and physical environment of the Philippines makes it susceptible to natural hazards such as tropical cyclones, floods, extreme rainfall, thunderstorms, storm surges, and strong winds. As an example, the Philippines is visited by around 22 typhoons a year which cause marine casualties.⁶³ These natural disasters have an impact on the environment and economic activities of the Filipinos. The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) conducts hazard mapping, vulnerability analysis of areas, as well as disaster preparedness and prevention management in the form of weather forecasts and warnings.⁶⁴ PAGASA provides these forecasts and warning both to the general public and to the shipping industry.

6.4 Climate Change

The Philippines has recognized the role of oceans as a regulator of climates and climate systems. It has also become more aware of the negative impacts of climate change on people living in the coast such as extreme weather occurrences, rise of sea water temperature and level, and ocean acidification. To respond to these concerns, the country has established the Inter-Agency Committee on Climate Change (IACCC) to implement the obligations of the country under the United Nations Framework

⁶² Ibid.

⁶³ Philippine Coast Guard, *Emergency Preparedness Plan*, page 2.

⁶⁴ Department of Science and Technology, Philippine Atmospheric, Geophysical and Astronomical Services Administration, *Natural Disaster Reduction*, <http://kidlat.pagasa.dost.gov.ph/mission.shtml> Accessed on 09 June 2009.

Convention on Climate Change and formulate mitigation and adaptation strategies to address climate change.⁶⁵

7. MARITIME SECURITY

Maritime security in the Philippines is defined under the National Marine Policy of 1994 as a “state in which the country’s marine assets, maritime practices, territorial integrity, and coastal peace and order are protected, conserved, preserved and enhanced.”⁶⁶ The definition of maritime security under the National Marine Policy has a wide scope and encompasses areas which may be considered in the realm of comprehensive security,⁶⁷ except that the ensuing objectives focus mainly on promoting national security rather than regional and cooperative security.⁶⁸

There has been no specific policy guidance on maritime security since the adoption of the National Marine Policy. Individual government institutions, particularly law enforcement agencies continue to adopt the definition of maritime security under the National Marine Policy and similarly pursue related objectives and activities under their respective mandates. In general, the maritime security concerns in the Philippines may be divided into two: those solely of national security concern and security issues with regional impact. As may be expected, some of the security challenges in the country straddle both domestic and regional or international concerns, depending on the jurisdiction and impact of the problem.

7.1 National Security Concerns

The two areas of concern in promoting national security from a maritime perspective are the protection of the integrity of Philippine territories and addressing insurgency. The latter is primarily a land-based and longstanding security concern faced by the government and has overshadowed the need to address maritime security issues.

The integrity of the Philippine national territory is protected primarily through the country’s defense policies. The regimes of the internal waters and the territorial sea within the international treaty limits are generally upheld by maritime enforcement agencies. In case of disputed territories, the policy directive has mainly been to maintain physical presence in Philippine-occupied islands in the KIG and adherence to a number of instruments ranging from the Philippine Constitution to the rules of engagement of the Armed Forces of the Philippines (AFP).⁶⁹ However there has always been a lack of clear policy direction on the legal regime applied in Philippine

⁶⁵ Department of Environment and Natural Resources, *ACCBio Adaptation to Climate Change and Conservation of the Biodiversity of the Philippines*, <http://www.denr.gov.ph/accbio/home.html>, Accessed on 09 June 2009.

⁶⁶ Cabinet Committee on Marine Affairs, *National Marine Policy*, 8 November 1994.

⁶⁷ David Dewitt, “Common, Comprehensive, and Cooperative Security,” *The Pacific Review* 7:1 (1994), page 2.

⁶⁸ See Council for Security Cooperation in the Asia Pacific (CSCAP), Working Group on Comprehensive and Cooperative Security, *Memorandum No 3: The Concepts of Comprehensive and Cooperative Security*.

⁶⁹ See Capt Roberto V Santos (GSC), *A Study on the Philippine Defense Policy on the KIG*, Thesis Unpublished, Master in National Security Administration, National Defense College of the Philippines, August 2008.

waters. National legislation are sometimes less strictly applied in cases involving illegal fishing and navigation by foreign nationals and instead addressed through diplomacy in keeping with cooperative maritime security developments in the South China Sea.

7.2 Security interests with regional impact

The Philippines addresses a number of illegal activities at sea such as smuggling of goods, trafficking of people, trade of illicit drugs, illegal trafficking of arms, piracy and armed robbery, and maritime terrorism. These activities may occur within Philippine national jurisdiction or conducted by Filipino nationals but nevertheless have an impact on the region. Some of these illegal activities also fall within the purview of transnational crimes and may concern nationals of neighboring States.

7.2.1 Oil smuggling

One of the products most smuggled in the Philippines is oil. Pilferage of oil is most common in Manila and conducted at sea and along Pasig River where oil firms are located.⁷⁰ Oil barges are also illegally boarded by robbers enroute to depots and their products stolen to be sold directly to smaller firms.⁷¹ Other landing sites of smuggled fuel include ports in Southern Philippines. Smuggling of oil at sea occurs when tankers plying Philippine waters conduct shipside unloading to small vessels.⁷² In 2003, 232 million liters of fuel have been smuggled in Subic Bay Freeport alone causing the Philippine government billions of pesos in losses.⁷³ Despite a number of anti-smuggling campaigns conducted by the Bureau of Customs, smuggling of oil at sea continues.

7.2.2 Illegal Migration of People

The Philippines is a major source of people trafficked to other countries. Some of the major destinations of undocumented Filipinos are the US, Singapore, Canada, Japan, Italy, United Kingdom, Jordan, Malaysia, South Korea, and Saudi Arabia.⁷⁴ The major methods of trafficking Filipinos to these countries are through illegal immigration, mail-order bride schemes, family tours, cultural exchange, and adoption.⁷⁵ However, the extent of trafficking of Filipinos by sea, particularly to neighboring States is unknown.

A more common problem associated with the illegal transport of people is the illegal migration of refugees to the Philippines through the sea. The migration of asylum seekers and refugees under the human rights programs of the government is not in

⁷⁰ Col Ramon roque M Jueves (CE) GSC PA, *An Assessment of Government Initiatives in Curbing Illicit Trade of Oil*, Thesis Unpublished, Master in National Security Administration, National Defense College of the Philippines, August 2006, page 2.

⁷¹ Ibid.

⁷² Ibid., page 4.

⁷³ Ibid.

⁷⁴ PCINSP CEO Abrenica, *Situation Report on Trafficking in Persons in the Philippines*, www.pctc.gov.ph, Accessed on 10 June 2009.

⁷⁵ Ibid.

itself illegal.⁷⁶ However there are boats transporting people to the Philippines through the western and southern seas which are undetected by border patrols. This suggests that there are certain corridors which lack proper monitoring and surveillance and are therefore susceptible to illegal activities such as the trafficking of people, and possibly drugs and arms.

7.2.3 Illegal Trafficking of Drugs

The Philippines has been known in the region and the world as a producer, exporter and consumer of cannabis plant based drugs and an importer and consumer of synthetic drugs.⁷⁷ It is also known as an investment haven for international drug syndicates and a transit point for the international trade of illicit drugs, particularly heroin and cocaine.⁷⁸ The local illegal drug trade in the Philippines is a multi billion dollar industry involving foreign nationals who concentrate their activities in Metro Manila. Some areas of the country with high incidence of insurgency activities are also major marijuana producing places. Similar to the problem of illegal trafficking of people, it is unclear as to how much illegal drugs are transported by sea. However, it has been documented that seizures of illegal drugs that trace their origin from certain parts of Asia are able to enter the country through small ports in unguarded coastlines.

7.2.4 Piracy and Armed Robbery at Sea and Maritime Terrorism

Recorded piracy incidents in the Philippines are minimal and follow the decreasing trend in piracy attacks in Southeast Asia. There have only been 63 incidents of piracy in Philippine waters from 2001-2008, compared to a total of 1,318 incidents in the region.⁷⁹ However, armed robbery at sea, particularly in the Southern Philippines has always been a major concern. Southern Philippines has a long history of raiding which is sometimes regarded as piracy. Sulu pirates used to attack coastal communities and vessels⁸⁰ and armed robbers are known to have camps throughout the Sulu archipelago coastline which serve as resupply points, safe havens and bases for raiding expeditions.⁸¹ Therefore compared with the Strait of Malacca, the problem of piracy and armed robbery is more endemic in the Southern Philippines.⁸² The insurgency problem in the Philippines has further presented piracy as a means of raising funds for their operations. Secessionist groups such as the Moro Islamic

⁷⁶ See Florentino B Feliciano and Marissa P de la Cerna, "Refugees in Southeast Asia: A Note on Philippine Practice and Recent Developments," *World Bulletin* VI:6 (1990), page 2.

⁷⁷ Philippine Centre on Transnational Crime, "Role of the Philippines in International and Regional Cooperation Effort on Drug Trafficking," *Paper presented to the United Nations International Narcotics Control Board*, 05-08 September 2000.

⁷⁸ Ibid.

⁷⁹ ReCAAP Information Centre, *Annual Report 2008*, page 14.

⁸⁰ Stefan Eklöf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders*, Copenhagen: NIAS Press, 2006, page 9.

⁸¹ Adam J Young, *Contemporary Maritime Piracy in Southeast Asia: History, Causes and Remedies*, Singapore: ISEAS, 2007, page 39.

⁸² Stefan Eklöf Amirell, "Political Piracy and Maritime Terrorism: A Comparison Between the Straits of Malacca and the Southern Philippines," in Graham Gerard Ong-Webb, ed., *Piracy, Maritime Terrorism and Securing the Malacca Straits*, Singapore: ISEAS, 2006, page 59.

Liberation Front (MILF) and the Abu Sayyaf Group (ASG) have ethnic affinity with seafaring families and contribute to the prevalence of piracy in Southern Philippines.⁸³

Current terrorist threats posed by the ASG have been in existent since the 1990s. However, the international connection between Muslim extremists and other foreign Islamic organizations was only made partially clear in 1995 following the capture of a terrorist residing in the Philippines.⁸⁴ Various incidents have been associated with these groups including the bombing of the inter-island ferry *MV Our Lady of Mediatrix* in Iligan in 2000, abduction of foreign tourists in a diving resort in Sipadan, and the bombing of the *MV SuperFerry 14* in Manila Bay in 2004.⁸⁵

7.2.5 Illegal Trafficking of Arms

There are about 630,000 licensed firearms in the Philippines which are mostly made locally or imported legitimately from the US, China, Israel and Europe.⁸⁶ Evidence collected by government agencies from intelligence information estimate more than 300,000 loose firearms in the Philippines, which are in the hands of gun enthusiasts, hobbyists, political warlords, or criminal groups.⁸⁷ The most common mode of smuggling some of these loose firearms is through ports. Gunrunners have been known to use the Manila North Harbour and the various ports of Cebu, Leyte, Negros provinces, other areas in Luzon, and Southern Philippines as landing sites and storage points for arms sold to ideological political groups and local bandits.⁸⁸

7.3 Addressing Maritime Security Threats in the Philippines

The maritime security threats discussed above compromise the “good order at sea” in the Philippines.⁸⁹ Initiatives within and involving the Philippines respond to these threats in five ways: one, through the adoption of national laws and policies; two, by consolidating efforts of relevant agencies; three, by strengthening operational activities; four, through cooperation with other States; and five, by implementing international and regional maritime-security related conventions.

⁸³ Eduardo Ma R Santos, “Piracy and Armed Robbery Against Ships in the Philippines,” in Graham Gerard Ong-Webb, ed., *Piracy, Maritime Terrorism and Securing the Malacca Straits*, Singapore: ISEAS, 2006, page 39.

⁸⁴ Graham Gerard Ong, “Ships Can Be Dangerous, Too: Coupling Piracy and Terrorism in Southeast Asia’s Maritime Security Framework,” in Derek Johnson and Mark Valencia, eds., *Piracy in Southeast Asia: Status, Issues, and Responses*, Singapore: ISEAS, 2005, pages 49-50; For further studies on the vulnerability of Southern Philippines to terrorist activities, see Angel Rabasa, “Case Study: The Sulawesi-Mindanao Arc,” in Angel Rabasa, Steven Boraz, Peter Chalk, et al, *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, Sta Monica: RAND Corporation, 2007, pages 111-145.

⁸⁵ Eklöf, *Political Piracy and Maritime Terrorism*, pages 61-63.

⁸⁶ Philippine Centre on Transnational Crime, *PCTC Paper on Illicit Trafficking and Manufacturing of Firearms: Philippine Context*, www.pctc.gov.ph, Accessed 10 June 2009.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ “Good order at sea ensures the safety and security of shipping and permits countries to pursue their maritime interests and develop their marine resources in accordance with agreed principles of international law.” See Sam Bateman, Joshua Ho, and Jane Chan, *Good Order at Sea in Southeast Asia*, RSIS Policy Paper, Singapore: RSIS, May 2009, page 4.

Apart from the National Marine Policy, the Philippines has adopted numerous legislation, policies, and counter-measures against maritime security issues.⁹⁰ The Philippines has also created multi-agency task forces and reorganized the activities of agencies with maritime security related functions in order to facilitate cooperation amongst them and ensure coordination of their programs.⁹¹ In terms of operational activities, law enforcement agencies conduct regular maritime, air, and land monitoring and surveillance to establish presence in maritime areas and secure the country's borders. Intelligence and counter-intelligence operations are further conducted to protect different modes of transportation from various threats. The Philippines is also in the process of establishing Coastwatch South, which will provide a strategic and comprehensive maritime surveillance and response mechanism in the Southern Philippines.⁹²

At the bilateral and regional level, the Philippines conducts naval exercises with the US and has established bilateral arrangements with neighboring States on defense cooperation, border control, anti-smuggling cooperation, intelligence-sharing, joint exercises, military education, and combat training. The Philippines has also been active in promoting the security of key sub-regional areas in the region, such as in addressing IUU fishing in the Sulu-Sulawesi Sea and in protecting the sea trade routes in the Brunei-Indonesia-Malaysia-Philippines East Asian Growth Area (BIMP-EAGA).⁹³ At the regional level, the Philippines serves as a forum for various Association of Southeast Asian Nations (ASEAN) initiatives against transnational crime as a demonstration of its commitments to address such concerns. It participates actively in the work of the Regional Cooperation Against Armed Robbery and Piracy at Sea (ReCAAP), particularly through the organization's Information Sharing Centre.

⁹⁰ The key instruments are RA 6425 or the Dangerous Drugs Act 1972, PD 532 or Anti-Piracy and Anti-Highway Robbery Law 1974, RA 9160 or the Anti-Money Laundering Act 2001, RA 9372 or the Human Security Act 2007 (more commonly known as the Philippine Anti-Terror Law), firearms laws and regulations, the National Internal Security Plan, and other draft national plans of action to combat piracy and armed robbery against ships, trafficking of illegal drugs, trafficking in persons, smuggling of firearms, and terrorism. Other relevant laws with broader coverage than the maritime security aspects of illegal activities are RA 6955 An Act to Declare Unlawful the Practice of Matching Filipino Women for Marriage to Foreign Nationals; RA 7658 An Act Prohibiting the Employment of Children Below 15 Years of Age; RA 7659 An Act to Impose the Death Penalty on Certain Heinous Crimes; RA 8042 An Act to Institute the Policies of Overseas Employment; RA 8043 An Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children; and RA 9105 An Act Defining the Crime of Art Forgery.

⁹¹ For example, EO 220 Creating an Executive Council to Suppress Trafficking in Persons, Particularly Women and Children; EO 8 Creating a Presidential Anti-Organized Crime Commission and a Presidential Anti-Organized Crime Task Force to Investigate and Prosecute Criminal Elements in the Country, as amended by EO 295; EO 61 Creating the National Drug Law Enforcement and Prevention Coordinating Center to Orchestrate Effort of National Government Units, and Non-Government Organization for a more Effective Anti-Drug Campaign; EO 62 Creating the Philippine Center on Transnational Crime to Formulate and Implement a Concerted Program of Action of all Law Enforcement, Intelligence and Control of Transnational Crime; and EO 101 Providing the Immediate Organization and Operationalization of the Interim Internal Affairs Service (IAS) of the Philippine National Police.

⁹² For a more thorough analysis of the actions undertaken to address maritime security threats in the Philippines, see Ronnie Gil Gavan, *Border Security Dilemma: Operational Responses to Maritime Security Threats in the Southern Philippines*, Thesis Unpublished, Master of Maritime Studies-Research, University of Wollongong, 2008.

⁹³ Capt Jaime S Bernardino PN (GSC), *Maritime Security Concerns of the BIMP-EAGA Maritime Trade: An Assessment*, Thesis Unpublished, Master in National Security Administration, National Defense College of the Philippines, August 2008, page 83.

In terms of international maritime security initiatives, the Philippines is currently establishing regulations and procedures to implement the International Ship and Port Facility Security (ISPS) Code and other international agreements related to maritime security such as the SID Convention.⁹⁴ Other applicable instruments that would need implementation by the Philippines include the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) Convention and its Protocols and the International Convention for the Safety of Life At Sea (SOLAS) Chapter V/19-1 on the Long-range Identification and Tracking of Vessels. Adherence to these instruments requires the immediate attention of the Philippines not only to ensure maritime security but also to protect its maritime industry.

8. OTHER FACTORS IN PROTECTING PHILIPPINE MARITIME INTERESTS

Apart from challenges in defining national territory and jurisdiction, allowing navigational passage in Philippine waters, protecting marine resources and the environment, and promoting maritime safety and security, there are other factors that prevent the Philippines from developing an archipelagic and maritime approach to addressing its concerns. These factors involve the country's legal and policy framework, institutional framework, foreign policy, and public involvement.

8.1 National Legal and Policy Framework

The framework for dealing with marine- and maritime-related issues in the Philippines is embodied in the National Marine Policy. In addition to its maritime security objectives, the National Marine Policy deals with the extent of the national territory, the management of the marine economy, and protection of the marine ecology. However, apart from being outdated, there have been a number of criticisms on the National Marine Policy. This instrument only lists principles and objectives without stating any priorities or actionable agenda.⁹⁵ It has been appraised as containing process, structure and content issues, lacking dissemination throughout the country, and short of a direction to link domestic laws and policies with the regimes established under the LOSC.⁹⁶ Furthermore, the national economic policy, relevant sectoral policies, and the National Marine Policy are neither harmonized nor embody a single archipelagic and maritime agenda.

⁹⁴ Examples of these regulations are those adopted by the Maritime Industry Authority such as memorandum Circular Nos 185, 193, 194, 200, and 201 on the accreditation of maritime centres, responsibilities of companies and ships in implementing the ISPS Code, installation of Automatic Identification System (AIS), and maintenance of a Continuous synopsis Record.

⁹⁵ Jay Batongbacal, "*Karagatang Pilipino: A Critique and Proposal for Revision of the National Marine Policy of the Philippines*," in Maribel Aguilos, ed., *Ocean Law and Policy Series*, Issue Focus: Ocean Governance 2:1 (1998), pages 21-25.

⁹⁶ Ibid. See also Michael Garcia, "Progress in the Implementation of the Philippine National Marine Policy: Issues and Options," *Paper Submitted to the UN-Nippon Fellowship Programme*, 2006, www.un.org. Accessed on 18 March 2009.

8.2 Institutional arrangement

The implementation of the National Marine Policy has been led by the Department of Foreign Affairs (DFA) since the early beginnings of the defunct Cabinet Committee on Maritime and Ocean Affairs (CABCOM-MOA), a high-level inter-governmental committee established to discuss maritime and ocean affairs issues. This committee has undergone a series of reorganization⁹⁷ until it was abolished by EO 37 in 2001.⁹⁸ After a few years, the Philippines once again reorganized the Maritime and Ocean Affairs Center and reverted back to the creation of a multi-agency committee called the Commission on Maritime and Ocean Affairs under the Office of the President.⁹⁹ Similar to previous institutional arrangements, this commission remains a high level policymaking forum and coordinating mechanism and lacks wider participation among relevant stakeholders.

At a departmental or program level of implementation, an examination of the various mandates of government agencies and relevant institutions would reveal that there are more than 20 key institutions involved in the administration, regulation, implementation and enforcement of marine- and maritime-related laws and regulations. These relevant institutions and their relationships with major ocean uses are summarized in the Annex of the Working Paper. The list does not include sub-units within government department or agencies involved in the management of coastal resources. It further excludes entities involved in the highest levels of law and policymaking such as the Office of the President, Congressional Committees, and a number of inter-agency committees created to address specific problems. Some of these government agencies have overlapping functions, oftentimes resulting in duplication of activities and therefore unwise use of government resources.

Philippine enforcement agencies such as the PCG, the Philippine Navy, and the Philippine National Police Maritime Group have been fully aware of their limited capacity and the inadequacy of the current legal, policy, and institutional framework to address maritime challenges. Hence there has been an impending initiative to increase collaboration among these agencies by pooling their assets to respond to the enforcement needs of the country. This initiative includes an assessment of the various maritime threats in the Philippines and the capability of institutions to address such threats. From this assessment, priority concerns and shortfalls in capacity will be identified and a plan of action will be developed for submission to the government in the hope to find support to augment existing assets and capabilities.

8.3 Foreign Relations

⁹⁷ EO 738, Establishing the Cabinet Committee on the Treaty on the Law of the Sea, 03 October 1981; EO 1034, Transferred the Chairmanship of the Cabinet Committee to the Prime Minister with the Minister of Foreign Affairs, 25 June 1985; EO 239, Reorganising the Department of Foreign Affairs and for Other Purposes, 24 July 1987; EO 328, "Reconstituting the Cabinet Committee on the Law of the Sea; EO 186, Expanding the Coverage of the Cabinet Committee on the Law of the Sea and Renaming It as the Cabinet Committee on Maritime and Ocean Affairs, 12 July 1994.

⁹⁸ *Executive Order No. 37*, Abolishing the Cabinet Committee on Maritime and Ocean Affairs (CABCOM-MOA), 2001.

⁹⁹ *Executive Order No. 612*, Reorganising the Department of Foreign Affairs-Maritime and Ocean Affairs Center into the Commission on Maritime and Ocean Affairs under the Office of the President, 2007.

As eluded in previous sections of this Working Paper, foreign relations play a significant role in promoting the archipelagic and maritime interests of the Philippines. Some cross-boundary cases have been resolved in favor of diplomacy, which do not necessarily always benefit the Philippines. It is not being argued that decisions in favor of preserving ties with neighboring countries are incorrect. However, a line must be drawn between implementing foreign policy and domestic legislation particularly in cases of unauthorized resource exploitation. The Philippines cannot protect its national territory in an effective manner if enforcement actions in contested areas always play a subordinate role to diplomacy. However, striking a balance between the two interests would be a challenge for the Philippines because of the possibility of severing economic ties with its neighboring countries in cases of conflict.

8.4 Public Awareness

Except for integrated coastal zone management and coastal law enforcement, policymaking in and management of maritime and ocean affairs have remained at the highest level of government. While the Filipino populace may be aware of the archipelagic nature of the Philippines, they do not necessarily possess the technical knowledge, nor are they expected to understand, the current status of the country as an archipelagic State and its ensuing rights and obligations under the LOSC and other international instruments. There are currently no established programs to educate the general public on the matter. As a result, misunderstandings on certain issues relevant to the maritime interests of the Philippines proliferate and are oftentimes exaggerated by the media. This is a critical gap in raising the archipelagic and maritime consciousness in the Philippines.

9. RETHINKING AN ARCHIPELAGIC AND MARITIME APPROACH FOR THE SECURITY OF PHILIPPINE INTERESTS

The current practice and strategies of the Philippines to address maritime-related challenges suggest that the country has not fully taken into account its geographical nature in its national laws, policies and programs. Its perspective still remains insular to a certain level and does not embrace the reality that the country is an archipelagic and a maritime nation. This perspective is also evident in the various challenges faced by the Philippines: first, in defining the limits of its maritime territories and jurisdiction; second, in implementing marine- and maritime-related regulations; and third, in protecting its waters and resources from illegal activities. These challenges impact on the ability of the country to promote and maintain its interests in various marine sectors such as fisheries and other living resources, biodiversity conservation, oil, gas and mining resources, shipping and navigation, ports and harbor use, maritime manpower, maritime trade, defense, recreation, tourism, and scientific research. These problems also affect the manner by which the Philippines addresses other concerns with regional and international security implications.

From the examination of measures undertaken by the Philippines to deal with maritime challenges presented in this Working Paper, it can be inferred that the country is progressing more as a maritime State rather than as an archipelagic State. This can be largely attributed to the difficulties of the country in defining the limits of

its national territory and jurisdiction consistent with the provisions of the LOSC. Nevertheless, the interests of and challenges confronting the Philippines have both archipelagic and maritime dimensions; thus it would be imperative for the country to establish a parallel approach in addressing its concerns.

An archipelagic or inward looking approach includes the formulation and/or revision of laws and policies, as well as the development of a strategy that would lead to the preservation of the integrity of the Philippine archipelago, protection of its resources from unauthorized access and unsustainable practices, preservation of the marine environment, and protection of national security from internal and external threats, all for the benefit of the Filipinos. A maritime approach or an outward looking approach, on the other hand, focuses on the measures that would need to be adopted by the Philippines to project its status as a progressive maritime nation in the world in respect of shipping and seafaring, and as a major transportation hub in Asia. This approach also includes the Philippines' perception of its role and position in the region, particularly in resolving maritime issues with transboundary impacts.

Based on the assessment of the maritime interests of and challenges in the Philippines presented in this Working Paper, a number of specific actions may be recommended to realize an archipelagic and maritime approach or strategy for the Philippines. Some of the actions that may be adopted within the framework of an archipelagic approach are to:

- Resolve maritime jurisdictional issues related to the Philippine compliance with the LOSC;
- Evaluate the value of marine assets, their distribution across the country, and associated threats;
- Strengthen contingency planning and risk assessment in disaster prone areas or regions most likely to be affected by the negative impacts of climate change;
- Establish a clear policy direction on activities in disputed areas;
- Implement penalty provisions of marine resource-related legislation;
- Consider the development of a single consent regime for marine scientific research to increase control and knowledge on exploratory studies conducted in Philippine waters;
- Develop a strict liability and adequate compensation regime against marine pollution;
- Allocate appropriate funds to improve enforcement capabilities;
- Increase maritime situation awareness by sharing intelligence information among government institutions;
- Support the initiative of maritime enforcement agencies to develop a whole-of-government approach in addressing maritime challenges; and
- Raise the archipelagic and maritime consciousness of the Filipinos through education and engagement in public policymaking and project activities.

A maritime approach for the Philippines may include specific actions to:

- Adequately implement relevant international agreements and regulations, specifically those related to maritime security such as the ISPS Code, the SID Convention, SUA Convention and its Protocols, and SOLAS Chapter V/19-1 on the Long-range Identification and Tracking of Vessels;

- Develop a domestic shipping fleet that would complement the overseas shipping industry and supported by an effective shipbuilding and ship repair industry;
- Formulate a strategy that would improve ports and shipping facilities to establish the Philippines as a transportation hub in Asia;
- Increase the competitiveness of the Filipino seafaring industry by protecting the rights and security of seafarers onboard ships and by increasing the training and supply of officers;
- Establish stronger and more functional cooperative activities with neighboring States; and
- Take a proactive and central role in addressing illegal activities at sea and other maritime threats at both sub-regional and regional levels.

The parallel approach and actions proposed in this Working Paper may contribute towards the development of a robust archipelagic and maritime regime for the Philippines, and embedded in the social, political, and economic development policies and plans of the country.

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Annex

Responsibility Centres for Ocean Governance

Ocean Use	Sub-classification	Responsible Institution (Policy, Regulation, Implementation, and Enforcement)
Ports	Waterfront commercial structures Offshore commercial structures Dockyards Passenger facilities Naval facilities Fishing facilities Recreational facilities	DOTC-PPA, LGUs, DOF-BOC DOTC-PCG, DILG DOTC-MARINA PPA, LGUs DND-AFP-PN DOTC, DA-BFAR, DA-PFDA, LGUs fish ports DOTC-PCG, LGUs
Shipping	Industries, Vessels Trade routes Passages Separation lanes Navigation aids Seafarers	DOTC-MARINA, DOTC-PCG, PNP-MARIG, DOTC-OTS DND-PN, DOTC-PCG DOTC-PCG, DND, LGUs MARINA, DOLE, DOTC-PCG, BI, MTC, CHED, PRC
Pipelines	Fine coal slurry pipelines Gas pipelines Water pipelines Waste disposal pipelines	DOE, DENR
Cables	Electric power cables Telephone cables	DOE-NPC, DOTC
Living Resources	Fisheries Other biological resources	DA-BFAR, DA-PFDA, LGUs, DENR, PCAMRD, PNP-MARIG, DND-PN, PNARU
Non-living resources	Oil and gas	DOE, PNOC, DENR, DOTC- PCG
Metalliferous resources	Sand and gravel Water column minerals Seabed deposits	DENR-MGB, LGUs
Renewable resources	Wind Water properties and dynamics Subsoil	DOE, DOST
Defence	Exercise areas Nuclear test areas Minefields Explosive weapons areas Territorial defence Air reconnaissance and surveillance	DND-AFP, DND-PN DND-AFP, DND-PN DND-AFP
Recreation	Onshore and waterfront Offshore	DOT, LGUs, DOTC-PCG
Waste Disposal	Urban and industrial plants Water courses Offshore oil and gas installations Dumping (ship dumping) Navigation (harmful and noxious substance discharges, sewage	DENR, LGUs DENR, LGUs, PNP-MARIG DOE, DENR, DOTC-PCG, DND- PN DENR, DOTC-PCG DENR, LGUs, PNP-MARIG,

	discharges)	DOTC-PCG
Research	Water column Seabed and subsoil Ecosystems External environment interaction Special areas and particularly sensitive areas Sea use management	DOST-PCAMRD, DOST-PAGASA, UP-MSI, UPV, DA-BFAR DENR, DOE, UP-MSI DENR, UP-MSI, UPV, DOST-PCAMRD DOST-PCAMRD, DOST-PAGASA, DENR DOST, DENR DOST-PCAMRD, DENR, DA
Archaeology	Onshore Offshore	National Museum
Environmental protection and preservation	Onshore (wetland conservation, dune conservation, nature reserve, nature parks, ecosystem protection, species conservation) Offshore (Marine reserves, marine parks, special areas)	DENR, DOST-PCAMRD, PCSD, UP-MSI and other universities DENR, DOST, UP-MSI, UPV and other universities
Transportation	People Goods Maritime Safety and Security	BID, DOT, PNP-MARIG PPA, DOF-BOC, BOQ, PNP-MARIG DOTC-PCG, PPA, MARINA, PN, PNP-MARIG, PCTC, NICA, NBI, DOJ, DOTC-OTS, NSC, PNARU, PAF
Natural Disaster Reduction	Disaster preparedness and hazard mitigation Search and rescue	DOST-PAGASA DOTC-PCG
Mitigating the Impacts of Climate Change	Clean development mechanisms Mitigation and adaptation strategies Renewable energy	IACCC, DENR-EMB IACCC, DENR-EMB DOE

Modified and Updated from: Maribel Aguilos, "Designing an Institutional Structure for Ocean Governance: Options for the Philippines," in Maribel Aguilos, ed., *Ocean Law and Policy Series*, Issue Focus: Ocean Governance 2:1 (1998), pages 81-83.

Terms: Onshore - the submerged area extending landward from the coastline; Waterfront – the interface extending between the sea and terra firma; offshore – the marine area extending seawards from the coastline.

Acronyms of Government Agencies:

AFP	Armed Forces of the Philippines
BFAR	Bureau of Fisheries and Aquatic Resources
BID	Bureau of Immigration and Deportation
BOC	Bureau of Customs
BOQ	Bureau of Quarantine
CHED	Commission on Higher Education
DA	Department of Agriculture
DENR	Department of Environment and Natural Resources

DILG	Department of Interior and Local Government
DND	Department of National Defense
DOE	Department of Energy
DOF	Department of Finance
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DOST	Department of Science and Technology
DOT	Department of Tourism
DOTC	Department of Transportation and Communication
EMB	Environmental Management Bureau
IACCC	Inter-Agency Committee on Climate Change
LGU	local government unit
MARINA	Maritime Industry Authority
MGB	Mines and Geosciences Bureau
MSI	Marine Science Institute
MTC	Maritime Training Council
NBI	National Bureau of Investigation
NICA	National Intelligence Coordinating Agency
NPC	National Power Corporation
NSC	National Security Council
OTS	Office of Transportation Security
UP	University of the Philippines
UPV	University of the Philippines in the Visayas
PAF	Philippine Air Force
PAGASA	Philippine Atmospheric, Geophysical and Astronomical Services Administration
PCAMRD	Philippine Council for Aquatic Marine Research and Development
PCG	Philippine Coast Guard
PCSD	Philippine Council for Sustainable Development
PCTC	Philippine Center on Transnational Crime
PFDA	Philippine Fisheries Development Authority
PN	Philippine Navy
PNARU	Philippine Navy Affiliated Reserve Unit
PNOC	Philippine National Oil Company
PNP-MARIG	Philippine National Police Maritime Group
PPA	Philippine Ports Authority
PRC	Philippine Regulatory Commission

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