

Abstract

SESSION 1:

A Decade of Partnerships in Sustainable Development of the Seas of East Asia: Synergies and Achievements

WORKSHOP 1.3:

Coastal and Ocean Governance in the Seas of East Asia: from Nation to Region

Philippine Coastal/Ocean Law & Policy: Sliding Back to "Business as Usual"?

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Despite decades of pioneering work on coastal resource management, Philippine environmental advocates, resource managers, and local government units face essentially the same legal and jurisdictional problems already identified and challenged by various « pilot » sites and projects implemented since the 1990s. By and large, policy changes have been rather incremental and slow, rather than remedial and revolutionary. In major ocean sectors such as seafaring and high seas fishing, policy reforms have been introduced under threat of adverse international consequences to local employment and business opportunities. Meanwhile, key domestic marine sectors such as commercial fishing, offshore petroleum exploration, and marine environmental protection have experienced significant policy shifts on account of both reform initiatives and crises. The staggered trend between policy reform and reversal raises legitimate questions regarding the trajectory of the Philippine coastal and ocean law and policy. This presentation will critically examine key developments that have drawn the attention of the Philippine government in this regard, and raise questions as to what pattern is emerging: a deliberate albeit slow and planned movement toward reform, or a slide back to reactionary « business as usual », in the coastal and ocean sectors.



THE EAST ASIAN SEAS CONGRESS 2015
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the Seas of East Asia beyond 2015

About Jay L. Batongbacal:

Jay L Batongbacal is a lawyer from the Philippines with the degrees of Master of Marine Management and Doctor in the Science of Law, both from Dalhousie University in Canada. Since 1997, he has done diverse work in maritime affairs, including community based fisheries management, coastal resource management, marine environment protection, maritime boundaries, high seas fishing, offshore energy, seafaring, and shipping. He was legal advisor to the Philippine delegation that successfully pursued the Philippines' claim to a continental shelf beyond 200 nautical miles in the Benham Rise Region before the Commission on the Limits of the Continental Shelf. He is currently assisting the Philippines in making an application to the International Maritime Organization for the designation of a Particularly Sensitive Sea Area in the Sulu Sea. He is also among the List of Experts on Marine Scientific Research for purposes of Special Arbitration under Annex VIII of the UNCLOS. He recently completed research on the US maritime security policy and the South China Sea disputes under the auspices of the US-ASEAN Fulbright Initiative Visiting Scholar Program. Presently, he serves as an Associate Professor at the University of the Philippines College of Law, and concurrently Director of the Institute for Maritime Affairs and Law of the Sea of the U.P. Law Center.

About Rodolfo Ferdinand N. Quicho, Jr.:

Rodolfo Ferdinand N. Quicho, Jr. is a lawyer with degrees in Bachelor of Laws and Bachelor of Arts in (Broadcast) Communication from the University of the Philippines at Diliman. After admission to the Philippine Bar in 1995, he launched his career as a public interest environmental lawyer where he worked with various local communities, national and local governments, civil society organizations and international networks of environmental activists in proceeding against violations of environmental laws, developing and lobbying for progressive laws and policies, and building the capacity of stakeholders to maximize law to advance environmental rights. He has also advised government on various policies particularly on fishery, protected area and indigenous peoples' rights laws. He was executive director of various civil society organizations (Tanggol Kalikasan [Defense of Nature], Mediators Network for Sustainable Peace and First Philippine Conservation Incorporated). He also chaired, among others, the NGOs for Fisheries Reform, a network of NGOs that represented the NGOs during the formulation of the Philippine Fisheries Code of 1985. He is presently the Country Programme Manager of the Fifth Operational Phase of the GEF-Small Grants Programme in the Philippines.