



Photo: Fishing community in Bongao, Tawi-Tawi, Philippines/ Fauriza Saddari/ USAID SuFiA TS

# The Role of Statelessness and Social Exclusion in Small-Scale Fisheries within Maritime Security in the Indo-Pacific: A Case Study from the Western Philippines

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#### About this Document:

The USAID-funded Sustainable Fish Asia Technical Support (SuFiA TS) initiative in the Indo-Pacific aims to promote sustainable fishing practices, combat illegal fishing, enhance gender equity and social inclusion, and improve regional cooperation efforts towards creating a secure, free and open Indo-Pacific. In response to the SuFiA TS Gender Equity and Social Inclusion (GESI) Analysis, and as part of executing its corresponding Gender and Inclusive Development Action Plan (GIDAP), this investigation created a preliminary profile of Stateless and socially excluded small-scale fishers in the Indo-Pacific region. The preliminary profile presented in this report explores these fishers' interactions with foreign militia and industrial fishing fleets, their security needs, and identifies ways to empower their resilience and self-reliance to strengthen regional maritime security through inclusive and sustainable fisheries practices.

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## ABBREVIATIONS AND ACRONYMS

4Ps	Pantawid Pamilyang Pilipino Program
ABG	Abu Sayyaf Group
AO	Administrative Order
ASEAN	Association of South-East Asian Nations
ASWGF	ASEAN Sectoral Working Group on Fisheries
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BBTC	Bangsamoro Barter Trade Council
BFAR	Philippine’s Bureau of Fisheries and Aquatic Resources
CADT	Certificate of Ancestral Domain Title
CITES	Convention on International Trade in Endangered Species
CTI-CFF	Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security
COASTFISH	Sustainable Coastal Fisheries and Poverty Reduction Initiative of CTI-CFF
COVID-19	Coronavirus Disease 2019
DA	Philippine’s Department of Agriculture
DENR	Philippine’s Department of Environment and Natural Resources
DICT	Philippine’s Department of Information, Communication, and Technology
DSWD	Philippine’s Department of Social Welfare and Development
eCDT	Electronic Catch Documentation and Traceability
FAD	Fish Aggregating Devices
FAO	Food and Agriculture Organization of the United Nations
FARMCs	Fisheries and Aquatic Resources Management Councils
FGD	Focus Group Discussion
GESI	Gender Equality and Social Inclusion
GIDAP	Gender and Inclusive Development Action Plan
GT	Gross tons
IDA	Inclusive Development Approach
ISIS	Islamic State in Iraq and Syria
IUU	Illegal, Unreported and Unregulated fishing
IP	Indigenous Peoples
IPF	USAID’s Indo-Pacific Framework
IPS	USAID’s Indo-Pacific Strategy
KI	Key informant
KII	Key informant interview
LGC	Local Government Code
LGU	Local Government Unit
MAFAR	Ministry of Agriculture, Fisheries and Agrarian Reform, Bangsamoro Autonomous Region in Muslim Mindanao
MCS	Monitoring, control, and surveillance (with reference to fishing activities)
MFARMC	Municipal Fisheries and Aquatic Resources Management Council
MPA	Marine Protected Area
NCC	National Coordinating Committee of CTI-CFF
NCIP	National Commission on Indigenous Peoples
NGO	Nongovernmental organization
NIPAS Act	National Integrated Protected Areas System Act of 1992
OHCHR	Office of UN High Commissioner for Human Rights
PRC	People’s Republic of China
PRO-IP	Policy on Promoting the Rights of Indigenous Peoples
PSA	Philippine Statistics Authority
RA	Republic Act
RDMA	Regional Development Mission for Asia (USAID)
RPOA-IUU	Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing

SDG	Sustainable Development Goal
SLR	Sea Level Rise
SSF	Small-scale fisherfolks, small-scale fisheries (depends on context)
SuFiA TS	Sustainable Fish Asia Technical Support
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USAID Oceans	United States Agency for International Development Oceans and Fisheries Partnership
U.S.	United States of America



## EXECUTIVE SUMMARY

This investigation focuses on socially excluded, indigenous, and Stateless small-scale fisherfolk (SSF) in the Western Philippines, specifically in the Sulu Archipelago and Palawan Province. It serves as a case study within the broader Indo-Pacific region and was chosen as this area encompasses the South China Sea and Sulu Sulawesi Seascape. As identified in the U.S. Agency for International Development (USAID) funded Sustainable Fish Asia Technical Support (SuFiA TS) Gender Equity and Social Inclusion (GESI) Analysis, these SSF communities play a crucial but poorly understood role (U.S. Agency for International Development 2021) in the fisheries situated within one of the world's most biodiverse maritime domains, the Coral Triangle (Coral Triangle Atlas n.d.). This region faces intense resource competition exacerbated by frequent illegal, unreported, and unregulated (IUU) fishing by foreign industrial fleets, leading to overfishing and habitat degradation, compounded by the impacts of climate change (Asia Development Bank 2014). The region hosts substantial marine traffic due to international shipping routes, lacks defined borders, and grapples with challenges in customs and immigration enforcement, making it an attractive hub for criminal activities (The Asia Foundation 2019), including transnational organized maritime crime and terrorism (U.S. Coast Guard 2020a). Amidst this complex landscape, the GESI Analysis found that marginalized, indigenous, small-scale fishers face vulnerabilities due to their reliance on a healthy oceanic environment for livelihood and food security (U.S. Agency for International Development 2021; Cotton et al. 2018) and their potential to interact with intricate networks of illicit activity is high, as they have familial ties throughout Palawan, the Sulu Archipelago, and Sabah, Malaysia (The Asia Foundation 2019). Yet, their actual involvement in these criminal networks remains largely unappraised. To foster a free and open Indo-Pacific, it is crucial to integrate and harness the knowledge and potential of these marginalized SSF as key stakeholders whose way of life impacts fish stocks and biodiversity (Asia Development Bank 2014). Prioritizing their social welfare development can enhance their security and enable their participation in sustainable fisheries management. Moreover, their local insights can be invaluable in combating illicit activities, as they serve as the frontline observers and are highly exposed to the risks of this intricate seascape. As a step advancing the Gender and Inclusive Development Action Plan (GIDAP) developed by USAID's SuFiA TS, this investigation focused on addressing gaps identified by the USAID GESI Analysis - learning these underrepresented SSF demographics, economics, fishing practices, needs, concerns, and opportunities to gain insight into their current situation and interactions within this vital ecosystem (U.S. Agency for International Development 2022).

This investigation identified ways to empower and elevate marginalized SSF communities, to reduce their exposure to environmental, social, and geopolitical risks and enhance their basic security. The assessment highlights the Sama peoples - a significant, and believed to be Stateless, group of indigenous SSF populations (U.S. Agency for International Development 2021) - and their unique historical and modern-day characteristics in this maritime region as the original stewards of the Sulu Sulawesi Seascape (Stacey et al. 2018). Also emphasized, is the importance of understanding other indigenous SSF in the area and the challenges posed to both groups by foreign fleets with regards to resource competition and illegal fishing, climate change, transnational organized crime and weak governance. Learning the extent of their marginalization and interactions with the broader dynamics of this maritime region adds layers of understanding for better application of the USAID Regional Development Mission for Asia's (RDMA) Indo-Pacific Framework (IPF) (U.S. Agency for International Development n.d.). Congruent with the USAID GIDAP, recommendations are made to strengthen the welfare of these stakeholders, incorporating their needs into fisheries management decisions in the region, contributing to the broader goals of a free, open, prosperous, secure, resilient and inclusive Indo-Pacific, in alignment with the Biden-Harris Administration's Indo-Pacific Strategy (IPS) (The White House 2022) to procure the region's stability.

This investigation conducted focus group discussions in 17 site locations in the Western Philippines, with a particular focus on Sama populations in 13 of these sites. The key questions explored gaps

identified in the GESI Analysis including identifying the extent of Statelessness among Indo-Pacific SSF communities and its effect on their basic security and interactions with foreign fishing fleets, the scope of illegal marine species harvesting and trafficking through these communities, the existence of illicit activity networks targeting these communities, the main issues and concerns affecting their way of life, and the most effective approach to enhance their resilience and capacity while reducing the appeal of illicit activities to bolster their human security (U.S. Agency for International Development 2021).

The investigation revealed low levels of Statelessness in the Western Philippines, attributed to a national registration initiative. Statelessness was not limited to Sama indigenous communities, and there were no observed or reported interactions between socially excluded SSF and foreign fleets. SSF communities prioritize livelihood enhancement over engaging in criminal activities. The region faces challenges such as illegal marine harvest and trafficking, however. Common concerns among indigenous SSF include potential territorial encroachment, sea level rise, healthy fish habitats, education, alternative livelihoods, marginalization effects, tenure rights, and specific needs related to fishing operations and small-business training. The findings highlight the potential for cross-community capacity building to secure traditional knowledge, empower indigenous communities, and combat illegal, unreported and unregulated (IUU) fishing, as well as the need and desire for alternative livelihood development and the establishment of tenure rights.

Based on our findings, and in partial fulfillment of the USAID GIDAP, this investigation recommends securing the social welfare of these marginalized populations through increasing access to education, alternative livelihoods, and tenure rights while building sustainable fisheries practices through technical training, research, awareness raising, and cultural preservation (U.S. Agency for International Development 2022). The Philippines' responsibility for protecting indigenous peoples is channeled through government agencies like the Department of Social Welfare and Development (DSWD) and the National Commission on Indigenous Peoples (NCIP). However, these programs face challenges in implementation, especially when local governmental units (LGUs) exhibit discrimination. Regional partnerships, including the United States (U.S.), Association of Southeast Asian Nations (ASEAN), and the Coral Triangle Initiative for Coral Reefs, Fisheries, and Food Security (CTI-CFF), should encourage the Philippine government and collaborate with the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) government in the Sulu Archipelago, to build capacity and provide checks and balances for program effectiveness while at the same time incorporate these indigenous SSF voices in their own regional fisheries management fora. Local NGOs and charities can also support regional governance, and cultural and social transformations, to promote sustainable fisheries management and protect the traditional way of life and food security of marginalized small-scale fisherfolk communities in the Indo-Pacific region.

## I. INTRODUCTION

The Indo-Pacific region is home to a unique oceanic environment vital to global ocean health, Southeast Asian maritime security, and the home to many marginalized, underrepresented, and some Stateless, small-scale fisherfolk (SSF) communities. These socially excluded communities are dependent on the ocean for food security and livelihoods. Yet, their ecosystem is under threat and their way of life at risk while the economic opportunities offered by illicit blue crime<sup>1</sup> surround them.

In response to a gap of information identified in the U.S. Agency for International Development (USAID) funded Sustainable Fish Asia Technical Support (SuFiA TS) Gender Equality and Social Inclusion (GESI) Analysis, this investigation was conducted in the context of a regional perspective as Stateless Fishers are not bound to any one nation. However, as a case study from the broad Indo-Pacific region this report focuses on the Western Philippines as it adjoins the sub-regions of the South China Sea and the Sulu Sulawesi Seascape. For the purposes of this report, the West Philippines refers to the Sulu Archipelago and the Province of Palawan, an area historically recognized as the Sulu Sultanate (Figure 1). Beyond the West Philippines case study, there is interest to conduct additional, site-based case study investigations within Indonesia and/or Malaysia from a comprehensive, regional perspective. Further investigations of regional case studies would be consistent with recommendations from the SuFiA TS GESI Analysis (U.S. Agency for International Development 2021) and would further advance the USAID Gender and Inclusive Development Action Plan (GIDAP) (U.S. Agency for International Development 2022).

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<sup>1</sup> Blue crime is defined by Bueger and Edmunds (2020) as systematic, transnational organized crime at sea and includes crimes against mobility, criminal flows, and environmental crimes.



Figure 1: A map of the region known as the Sulu Sultanate (The Asia Foundation 2019).

In particular, this assessment focuses on the social and environmental interactions of Stateless and other indigenous small-scale fisherfolk suffering discrimination and marginalization. As such, this investigation employed the Food and Agriculture Organization (FAO) of the United Nations (UN) description of small-scale fishers as the basis of understanding who small-scale fishers are in lieu of an exact definition, which is a widely debated topic (Smith and Basurto 2019). The FAO's description places social context - the way of life these fisheries support, their traditions and values, the amount of capacity and energy that is spent, and the distribution pattern of their product - as the focus in understanding who a small-scale fisher is (FAO 2015; Food and Agriculture Organization of the United Nations n.d.a). The USAID GESI Analysis attributes a significant role to women in SSF communities during the pre- and post- harvest operations (U.S. Agency for International Development 2021). Of note, the Philippines Bureau of Fisheries and Aquatic Resources (BFAR) definition is more stringent and is based on vessel size and gear type (Republic of the Philippines 1998b). Utilizing the BFAR definition poses challenges in the context of this investigation, as it has resulted in exclusion and this investigation seeks to ensure the inclusive access of indigenous communities to their traditional fishing grounds, aligning with the Philippine Constitution and various national laws and policies, as detailed by Pomeroy and Courtney (2018). Therefore, this paper calls on the FAO description of who a small-scale fisher is to make recommendations for these communities that align with the intended purpose of the Philippine Constitution, other national laws, and inclusive development in furtherance of the USAID GIDAP (U.S. Agency for International Development 2022).

## 1.1 INVESTIGATION OBJECTIVES AND SCOPE

This investigation aims to learn how socially excluded small-scale fisherfolk of the Western Philippines interact with their maritime domain and what their needs and concerns are to address a

gap of information identified in the SuFiA TS GESI Analysis (U.S. Agency for International Development 2021). Further, this investigation identifies how best their voices can be elevated in an effort to raise their self-reliance and resilience to the threats their unique geography presents in accordance with the SuFiA TS GIDAP (U.S. Agency for International Development 2022). In order to safeguard the rights and well-being of these socially excluded communities while establishing partnerships with entities that promote their long-term economic growth, social well-being, food security and environmental conservation, we asked the following questions:

- What is the magnitude of Statelessness within Western Philippines SSF communities, and how do the added social obstacles from this condition affect their security?
- Is there interaction between the PRC militia, or any other foreign, fishing fleet with these SSF communities?
- What is the extent of illegal marine species harvest and trafficking through these SSF communities that have limited income options?
- Are there illicit activity networks that prey on these communities?
- What are the key issues and concerns affecting the way of life for these socially excluded SSF?
- What is the best approach to build resilience and capacity within these communities, decreasing the attractiveness of illicit activity while increasing their basic human security?

Information learned will add to the regional picture of how 1) Statelessness manifests in the SSF communities, 2) foreign fleets interact with indigenous SSF communities, and 3) illicit activity thrives in the Sulu Sulawesi Seascape and the South China Sea sub-regions of the Indo-Pacific. By drawing on this information, a coordinated and inclusive approach to development can be designed and implemented to strengthen sustainable fisheries, leverage and empower the original stewards of the seascape, and lower the security and economic risks facing these indigenous peoples today. Taking these steps, in-part, facilitates the realization of the USAID GIDAP (U.S. Agency for International Development 2022) and supports developing a stable, free and open, Indo-Pacific (The White House 2022).

The data acquired to identify and assess these communities will be limited to information specifically regarding the Stateless and other indigenous, socially excluded small-scale fishers in the Western Philippines. Of note, Sama could fit into both categories, or neither category. If the person in question is a Sama and a registered citizen who no longer depends on small-scale fishing in the Western Philippines, they were determined out of scope. Many of the Sama, in an attempt at a better life, have migrated to northern locations in the Philippines and do not fish in the Western Philippines. These individuals were determined out of scope.

## I.2 PEOPLE OF THE SEA

The Sama, often referred to as the 'true people of the sea,' are a historically significant indigenous group in the Western Philippines (Lorimer and Millard 2015). They have a rich maritime heritage, having lived as boat-dwelling migratory fisherfolk, pearl divers, and boat builders for centuries (Hoogervorst 2012) and are indisputably the original stewards of the Sulu Sulawesi Seascape. Their diaspora spans the Philippines, Eastern Indonesia, and Sabah, Malaysia (Stacey et al. 2018; Schroeder 2018). They possess exceptional traditional knowledge of the seascape, including geography, currents, and fishing practices (Stacey et al. 2018; Maglana 2016; Hoogervorst 2012). However, as

the SuFiA TS GESI Analysis points out, they face numerous challenges, including socio-economic marginalization, discrimination, and potential Statelessness (Stacey et al. 2018; Hoogervorst 2012; Brunt 2013; Ismail 2018; Maglana 2016; Abelas et al. 2019; Cotton et al. 2018), making them a vulnerable and at-risk group (U.S. Agency for International Development 2021; Cotton et al. 2018). Their unique maritime lifestyle, both a strength and vulnerability, exposes them to regional security interests. Understanding their current status and role in the region is crucial for effectively engaging and empowering this indigenous population in alignment with USAID's Indo-Pacific Framework (U.S. Agency for International Development n.d.) and USAID's GIDAP for the Indo-Pacific region (U.S. Agency for International Development 2022).

"Sama" will be used in this report as a practical, and all-encompassing, descriptor for a heterogeneous group with diverse sub-identities and orthographies (Sama Badjaw, Bajau Laut, Sama Deya, etc.) influenced by neighboring cultures and languages, resulting in distinct notions of self-identification, and mis-identification caused by outsider discriminatory assumptions (Maglana 2016). Various typologies, and more information about who the Sama are, can be found in Appendix A.

### I.3 OTHER SOCIALLY EXCLUDED SSF IN THE WESTERN PHILIPPINES

The Sama are not the only socially excluded SSF indigenous peoples (IP) exposed to the food (Foale et al. 2013) and maritime (United Nations Office on Drugs and Crime n.d.) security risks and environmental challenges (Muallil, Mamaug, Cababaro, et al. 2014; Asia Development Bank 2014; Burke et al. 2012) in the Western Philippines. Various IPs like the Molbog, Tagbanua, Masbateño and Waray, amongst others not sampled in this study, in addition to the Sama inhabit the coasts of the Western Philippines. They too qualify as marginalized and at-risk under the USAID inclusive development approach (IDA) definition (U.S. Agency for International Development 2023b) for their poverty (Muallil, Mamaug, Cababaro, et al. 2014), social exclusion, and lack of opportunities to interact in politics (Sharma 2011; Capistrano 2010) and are of interest to empower according to the USAID GESI Analysis and in fulfillment of the corresponding USAID GIDAP (U.S. Agency for International Development 2021; 2022). Fishing has been a way of life for most of these communities since time immemorial. Similarly to the Sama, they endure threats to their way of life born of a dependence on a healthy ocean ecosystem and inability to escape other maritime risks posed by the surrounding geography and related geopolitical interests. They differ in unique ways, however. Some differences include religion, gender roles, poverty level, degree of discrimination and most notably that they have a right to tenure as recognized citizens (Capistrano 2010; Brunt 2013).

### I.4 STATELESSNESS

The largest difference in risk profiles between the Sama and other indigenous, socially excluded SSF is the condition of Statelessness. The right to nationality is introduced in Article 15 of the UN's Universal Declaration of Human Rights (UDHR) (United Nations 2015). According to the 1954 UN Convention Relating to the Status of Stateless Persons a "Stateless person" is someone "who is not considered as a national by any State under operation of its law" (United Nations High Commission for Refugees 2014). Despite the minimum standard protections offered by this 1954 Convention (United Nations High Commission for Refugees 2014), Stateless peoples are often underrepresented, discriminated against, and lack consultation in the governance decision-making processes that affect their lives (Brunt 2013). In Southeast Asia, three nomadic indigenous fisherfolk populations without citizenship have been identified as Stateless Fishers (Brunt 2013). Of these three nomadic groups, the Sama are the only Stateless Fisher population of consequence to this report as

they are the only nomadic Stateless Fisher population within the Western Philippines (Brunt 2013; Hoogervorst 2012).

Stateless peoples have an extra layer of vulnerability lacking social safety-nets and governance protections (Brunt 2013; Weissbrodt and Collins 2006; U.S. Agency for International Development 2021). In line with other Stateless characterizations, the Sama are often marginalized as their lack of documentation foretells their place in the lower-end of the social hierarchy (Stacey et al. 2018; Brunt 2013). Without access to education, healthcare, and other securities offered by national governments, their poverty and marginalized status has been observed to be a self-perpetuating cycle (Hoogervorst 2012).

Whereas IPs registered as citizens can call on the Philippines Indigenous People's Right Act (IPRA) (1997) to demand legally guaranteed cultural and social rights (Sharma 2011), and their right to their traditional fishing grounds (Pomeroy and Courtney 2018), Stateless IPs cannot. It is unknown how many SSF (Sama or other, non-nomadic IPs) are in fact Stateless. Despite these differences, the effects of overfishing, IUU fishing, and climate change in a resource-scarce environment may manifest similarly, potentially offering comparable challenges across indigenous SSF communities in the Western Philippines that can be extrapolated to the broader Indo-Pacific region. Importantly, the degree of Statelessness within a community could potentially affect the solutions and opportunities available to said community.

A list of international and national laws and regulations pertinent to indigenous small-scale fishers in the Western Philippines can be found in Table I.

Table 1: National and international regulations relevant to the security of marginalized, indigenous small-scale fisherfolk in the Western Philippines.

Regulation	Jurisdiction
UN Convention on International Trade in Endangered Species (CITES)	International
UN Convention Relating to the Status of Stateless Persons (1954)	International
UN Universal Declaration of Human Rights (UDHR) - Article 15	International
Amended Rules and Regulations on Registrations and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers - Fisheries Administrative Order No. 198-1	National
Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2015, Amending RA 8550 1998 - Republic Act No. 10654	National
Act Providing for the Establishment and Management of National Integrated Protected Areas System (NIPAS) 1992 - Republic Act No. 7586	National
Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, Repealing for the Purpose Republic Act No. 6734, Entitled "An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao," As Amended by Republic Act No. 9054, Entitled "An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao" 2018 - Republic Act No. 11054	National
Bangsamoro Administrative Code - Bangsamoro Autonomy Act No. 13	National
Certificate of Ancestral Domain Claim (CADC) 1993 - DENR AO 2	National
Conservation of rare, threatened and endangered fishery species - Fisheries Administrative Order 208	National
Fisheries Code of 1998 - Republic Act No. 8550	National
Indigenous People's Rights Act 1997 - Republic Act No. 8371	National
Local Government Code of 1991 - Republic Act No. 7160	National
Pantawid Pamilyang Pilipino Program Act 2019 - Republic Act No. 11310	National
Philippine Constitution of 1987	National
Philippine Identification System Act 2018 - Republic Act No. 11055	National
Prohibition on the gathering, taking, collecting, selling, transporting, or possessing for sale of mollusks belonging to the genus Triton or Charonia and Cassis - Fisheries Administrative Order 158 series of 1986	National
The Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands of 2012 - NCIP AO 4	National



## I.5 THE ENVIRONMENT

The coastlines and traditional fishing grounds of the SSF communities in the Western Philippines fall within bounds of the world's most biologically-diverse marine region, the Coral Triangle (Coral Triangle Atlas n.d.). These valuable aqua-colored waters are home to a number of fisheries, coral reefs, seagrass beds, and mangrove forests that support life for over 350 million people across the region (Asian Development Bank 2014). It is a critical ecosystem to maintain as it is not only vital to sustaining life in the region, but also plays a significant role in global ocean health, food security, economics and climate regulation (Mustoe 2021). In particular, the Sulu Archipelago and the north of the Palawan Province lay within the area of the Coral Triangle considered to have high biodiversity importance when compared with other hotspots<sup>2</sup> of biodiversity in the Coral Triangle (Asaad et al. 2018; Coral Triangle Atlas n.d.). Conserving this biodiversity is imperative for food security in the region (Foale et al. 2013). In addition, conserving the ecosystem of The Coral Triangle supports the United Nations (UN) Sustainable Development Goals (SDGs) numbers 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, and 16 (United Nations Department of Economic and Social Affairs n.d.).

Destructive illegal, unreported, and unregulated (IUU) fishing, and overfishing exacerbated by climate change effects (Asia Development Bank 2014) and geopolitical tensions over resource scarcity threaten the conservation of this vital, biodiverse marine seascape. Illegal harvest and poaching (Asia Development Bank 2014) of species internationally protected by the UN Convention on International Trade in Endangered Species (CITES) is of particular concern (CITES Secretariat 2019) along with destructive fishing practices used widely throughout the region such as the use of explosives or chemicals (Burke et al. 2012). Additionally, pollution endangers both fish and human habitats (Lasut et al. 2018; Burke et al. 2012). As these threats proliferate, food and human security is of growing concern (Asia Development Bank 2014). Muallil, Mamauag, Cabral, et al. (2014) estimate that fish stocks important to small-scale fishers will collapse before 2034. Food and human security is at risk. Knowing how these socially excluded small-scale fishers interact with this ecosystem and how these threats manifest in their daily lives is vital to securing their social welfare (U.S. Agency for International Development 2021; 2022).

## I.6 REGIONAL MARITIME SECURITY

In addition to the above-mentioned threats, the unique oceanic environment of the Western Philippines also faces challenges to sovereign claims over these resource-rich waters, is a highway for marine traffic and blue crime enterprises, and is home to this unique population of Stateless Fishers whose activity and possible interactions with the People's Republic of China (PRC) fleet, other foreign fleets or blue crime criminality groups is largely unknown. Additionally, there is a strong network of informal trade operating in the gray zone of legality between the Western Philippines and Sabah, Malaysia (The Asia Foundation 2019). To grasp the status, concerns, needs, and opportunities associated with these Stateless Fisher communities and other SSF, in partial fulfillment of effectuating the USAID GIDAP, it is important to discern their interactions, competition, and/or conflict with industrial fishing fleets, foreign fishing fleets and blue crime criminality groups while also remembering the daily basic risks of ocean navigational safety and needs of food security (U.S. Agency for International Development 2022).

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<sup>2</sup> "Hotspot" is a term frequently used by conservation biologists to denote a relatively restricted geographic area containing exceptionally high levels of biodiversity and/or endemism, a concept that has been effective in prioritizing conservation activities where resources are limited." (Veron et al. 2011)

### I.6.1 NAVIGATIONAL CHALLENGES

The waters of the Western Philippine present an array of hazards that present difficulties for any seasoned at-sea operator. According to the Asia Development Bank (2014, 21-22) mariners are endangered by: “(i) inadequate navigational aids, such as lighthouses, (ii) insufficient search and rescue capabilities, (iii) lack of vessel traffic control system, and (iv) poor weather forecasting and dissemination of related information.” The USAID GIDAP calls attention to needed capacity building measures for marginalized SSF populations to promote their social well-being, combat IUU fishing, and enhance the socioeconomic security of the Indo-Pacific people (U.S. Agency for International Development 2022).

### I.6.2 STATE TERRITORIAL CONFLICTS AND FOREIGN FLEETS

Bordering the South China Sea, the aggressive behavior and proximity of the coastline to the PRC fishing (Hongzhou and Bateman 2017), and so-called maritime (Kennedy 2018), militia fleets remain a constant point of national security interest for evaluation (Poling, Mallory, and Prétat 2021). Understanding how the Stateless Fisher and other SSF populations may interact with the PRC fleet can help determine how best to engage with these communities. At the same time, learning more about PRC activity aids in the creation of intelligence that will cause the PRC to “lose its effectiveness as a gray zone force” (Poling, Mallory, and Prétat 2021, 51). Both objectives will aid in forging a secure Indo-Pacific as outlined by the IPF (U.S. Agency for International Development n.d.).

### I.6.3 COMPOUNDING ILLICIT ACTIVITY

The marine traffic through the Coral Triangle is enormous, supporting international shipping lanes and thoroughfares to-and-from six coastal nations, and lacks hard borders challenging effective immigration and import/export controls and enforcement (Burke et al. 2012). As such, these transboundary waters are often taken advantage of in furtherance of illicit behaviors such as human, drug, and small-arms trafficking (Lagsa 2015), piracy, poaching, and illegal wildlife trade (Asia Development Bank 2014; CITES Secretariat 2019) - much of which has been found to occur through the use of clandestine fishing operations (Belhabib, Le Billon, and Wrathall 2020; U.S. Coast Guard 2020b).

Transnational organized crime, terrorism, and wildlife trafficking are well established, formal and informal, networks of criminal activity throughout the Western Philippines (Belhabib, Le Billon, and Wrathall 2020; Institute for Policy Analysis of Conflict 2016; The Asia Foundation 2019). The proliferation of illicit activities throughout the region creates inherent social security risks for the surrounding coastal communities (United Nations Office on Drugs and Crime n.d.; Bueger and Edmunds 2020).

In particular, the Western Philippines is considered the caliphate in Southeast Asia to Islamic State in Iraq and Syria (ISIS) leadership (Institute for Policy Analysis of Conflict 2016). The ISIS-backed Abu Sayyaf Group (ASG) (Institute for Policy Analysis of Conflict 2016) is responsible for a number of piratical ransom-orientated kidnappings and hijackings, armed robberies and bombings at sea (McCabe 2017; The Asia Foundation 2019; Institute for Policy Analysis of Conflict 2016).

Informal border trade between the Western Philippines and Sabah, Malaysia operate in the gray zone of legality, has been occurring before the existence of borders and are usually accepted as a type of familial trading (The Asia Foundation 2019). Despite being called ‘barter trade’, these goods are exchanged for other goods as well as money (The Asia Foundation 2019). The Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) government created by the national government of the Philippines has established the Bangsamoro Barter Trade Council (BBTC) to establish regulations for this familial cross-border trade (The Asia Foundation 2019). The Malaysian

government feels the border is “very much a reality”, sees this so-called gray zone as illegal, and thinks of illegal crossers as an “alien presence in their midst” (Stacey et al. 2018, 115).

The transnational organized criminals, domestic terrorists, and informal familial border traders leverage the transboundary nature of the fishing industry and threaten national and global security (Satrial et al. 2020; U.S. Coast Guard 2020). These nontraditional maritime threats (Satrial et al. 2020) as well as the more traditional threats of State territorial conflicts, affect and threaten the well-being and governance structures of communities in Western Philippines, and the Indo-Pacific region as a whole. Understanding how the underrepresented and marginalized SSF of the Western Philippines interact with, and are affected by, these illicit activities is vital knowledge to apply towards cultivating a free and open, safe and secure, Indo-Pacific (The White House 2022).

## 1.7 PARTNERS, REGULATIONS AND PROGRAMS FRIENDLY TO SOCIALLY EXCLUDED SSF COMMUNITIES

### 1.7.1 THE PHILIPPINE’S GOVERNMENT

A summary list of national laws and policies in the Philippines that support indigenous SSF can be found in Appendix B, and are expanded upon below.

The Republic of Philippines national government has legal obligations for anyone within their territorial boundaries (The Office of the United Nations High Commissioner for Human Rights 2011). However, not all socially excluded SSF are registered citizens, yet. Since 2021, efforts have been applied to register all inhabitants of the Philippines into a digital national identification system to streamline “public and private transactions” called the Philippine Identification System, or PhilSys for short (Republic of the Philippines n.d.d, para. 1). This endeavor is the response to Republic Act (RA) 11055 - Philippine Identification System Act - signed into law by President Duterte in 2018, and carried out by the Philippine Statistics Authority (PSA) (Republic of the Philippines n.d.e).

Under the national government, there are a few different agencies that cover issues related to the indigenous SSF communities in the Philippines. The Bureau of Fisheries and Aquatic Resources (BFAR) regulates the fishing sector under the Department of Agriculture (DA) (Bureau of Fisheries and Aquatic Resources n.d.). The Department of Social Welfare Development (DSWD) is extremely vital, organizing programs assisting poverty-stricken communities and dispensing the 2019 Pantawid Pamilyang Pilipino Program (4Ps) Act (RA 11310) welfare funds (Republic of the Philippines n.d.c). The National Commission for Indigenous Peoples (NCIP) identifies paths to systematically protect and promote the culture and heritage of indigenous communities while safeguarding them from the effects of social and environmental injustices (Republic of the Philippines n.d.b).

Specifically, the NCIP is mandated under the IPRA 1997 to protect ancestral rights (Pomeroy and Courtney 2018; Republic of the Philippines n.d.b) and uses the NCIP 2012 Administrative Order (AO) 4 to convert the Department of Environment and Natural Resources (DENR) Certificate of Ancestral Domain Claims (CADC) - established in 1993 through DENR’s AO 2 - to Certificate of Ancestral Domain Titles (CADT) (Republic of the Philippines 2012). Rights to ancestral lands are guaranteed under the Philippine’s Constitution of 1987. Finally, to provide for the establishment, management, and recognition of ancestral rights to protected areas the National Integrated Protected Areas System Act of 1992 (NIPAS Act) (RA 7586) - was created and Section 13 mandates that managing protected areas must be done in collaboration with the indigenous peoples of said area (Pomeroy and Courtney 2018).

Local government units (LGU) function at the municipality level. Under the Local Government Code (LGC) of 1991 (RA 7160) LGUs are responsible for all resource management and environmental protections including managing their municipal waters - as defined from shore to 15 kilometers. Section 35 of the LGC states that LGUs may work in collaboration with people's organizations and NGOs to engage in basic services for their community. Section 149 allows the LGU to provide certain fishery privileges to marginal fisher organizations. Section 2 (c) mandates national agencies to consult with coastal management stakeholders periodically before the discharge of any project or program while Section 2 (b) mandates the national authority of the State to conduct oversight to ensure LGU accountability ("The Local Government Code of the Philippines" 1991). The Fisheries Code of 1998 (RA 8550) gave further details on how the LGC can be applied in municipal waters and established local Fisheries and Aquatic Resources Management Councils (FARMCs) (Food and Agriculture Organization of the United Nations n.d.b). In 2015 it was amended through An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2015 Amending RA 8550 (RA 10654) - to mandate that fisheries management programs be planned and executed in coordination between LGUs and the public local FARMCs, made up of 11 local fisherfolk including women and youth. In addition, Section 17 prioritized the rights of registered local fisher organizations and cooperatives in municipal waters over outside fishers (Pomeroy and Courtney 2018) and makes it entirely illegal for commercial fishing to take place in municipal waters (Republic of the Philippines 2015).

The Bantay Dagat is a unique civilian volunteer sea patrol active in municipal waters. Their work to protect their municipal waters, with a special focus on monitoring illegal fishing, is empowered by the LGU, MFARMCs and collaboration with national government agencies such as DENR, DA, the Department of the Interior, LGUs, Philippine Coast Guard, Philippine Navy, and Philippine National Police (U.S. Agency for International Development 2016). The Bantay Dagat initiative began in the 1970s (Philippine Sustainable Development Network 2020), and its current operational structure was formalized in 1994 by Senator Santanina Rasul (Philippine Sustainable Development Network 2020). Their existence helps fulfill mandates in the LGC, Philippines Constitution and Section 158 of the Philippine Fisheries Code of 1998 (U.S. Agency for International Development 2016). The Bantay Dagat program has had mixed success. There are reports of various Bantay Dagat leaders being slain over the years (Rosales 2010; PhilStar Global 2006; Luistro 2009) and of the Bantay Dagat combating illegal fishing (Irby 2018), yielding "very successful enforcement... swift public action to stop destructive fishing practices and illegal commercial fishing" ("Bantay Dagat Description of the Technology/Strategy/Process" 2020, para 8).

The Sulu Archipelago is under the jurisdiction of the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) under RA 11054 (Republic of the Philippines 2018a). In the BARMM the Ministry of Agriculture, Fisheries and Agrarian Reform (MAFAR) is responsible for carrying out all laws and policies with relation to fisheries management (Republic of the Philippines n.d.a) and assist LGUs with conservation measures in municipal waters (Mitmug Jr. 2021). As BARMM was established in 2019 it is not yet clear what progress the MAFAR has made in their mission, and responsibility, to provide equitable access to fishery communities with regards to economic services and benefits.

## 1.7.2 INTERNATIONAL PARTNERS

International and regional partners can help support the initiatives of the Republic of the Philippines. The Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security (CTI-CFF), the Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing (RPOA-IUU), the Association of Southeast Asian Nations (ASEAN), the UN International Organization for Migration (IOM), and the USAID, are all international partners in the space discussed in this report, however they should not be considered the only international partners. The CTI-CFF brings together six countries to provide a governance framework for the Coral Triangle region to "sustain

extraordinary marine and coastal resources by addressing crucial issues such as food security, climate change and marine biodiversity” (Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security 2010, para. 1). The RPOA-IUU brings together 11 member countries in the Indo-Pacific region to share information and coordinate a transboundary plan to combat IUU fishing. The ASEAN Secretariat provides a regional legal framework for the region and operationalizes programs towards community-building (The Association of Southeast Asian Nations Secretariat 2020). The IOM has been raising awareness and working on issues having to do with Statelessness and migration since their inception. They are experts on international migration law and national implementation (United Nations International Organization for Migration n.d.a) and have a large presence in the Philippines since 1975 where their country office works closely with DSWD (United Nations International Organization for Migration n.d.b). Finally, the U.S. funds and implements a range of development research and projects through USAID targeting self-reliance and resilience objectives at both the country and regional levels (U.S. Agency for International Development 2023c).

These agencies can leverage their partnerships to encourage, incentivize, and assist the Republic of the Philippines to build capacity and provide checks and balances that will further the realization of their own laws and Constitution.

### **I.7.3 LOCAL NON-GOVERNMENTAL ORGANIZATIONS AND UNIVERSITIES**

Several organizations within the Philippines work across the spectrum of fisheries, livelihood development, education, and health. Those presented here should not be considered the only actors in this space, however there are two NGOs that researchers heard repeatedly from the participants in the Sulu Archipelago as known to be helpful. Cartwheel Foundation has been working to educate and empower indigenous peoples and their heritage in the Philippines since 1999 and has assisted an estimated 11,000 indigenous peoples to date (Cartwheel Foundation n.d.). The University of Notre Dame in the Philippines is part of The Secretariat of the Catholic Peacebuilding Network and has campuses spread across the Sulu Archipelago supporting missionary work of higher education, public health measures, and social cohesion (University of Notre Dame 2023). In addition, researchers from the University of Philippines, Mindanao State University, and others take a keen interest in working with and developing these marginalized communities.

### **I.8 HEIGHTENED VULNERABILITIES IN AT-RISK COMMUNITIES**

According to USAID’s Inclusive Development Approach (IDA) (Cotton et al. 2018) there is higher potential for violent conflict when inequalities are present. Strengthening the security and stability of at-risk communities relies on understanding the nuances of these inequalities. For those who remain dependent on the sea in the Western Philippines for subsistence, livelihood, and cultural connection it is important to understand how the threats of this unique oceanic ecosystem manifest daily - potentially limited access to decreasing fish stocks, dangerous weather changes without healthcare or safe shelter, and exploitation from criminal networks - and what concerns these communities most. It is equally important to understand what illicit opportunities are attractive alternative economic opportunities. Effective development requires engaging these communities to design desired solutions that are more favorable compared to the promise of potential payouts from supporting illicit behavior (U.S. Agency for International Development 2023b; 2023a). Lasting development requires coordinating with the sovereign nation’s government and implementing solutions in line with their governance structure and collaborating with local NGOs and civil society, while harnessing the benefits of international partners in the region.

## I.9 RESEARCH DESIGN

This investigation was conducted in the context of a regional perspective, as Stateless Fishers are not bound to any one nation. The focus on the Western Philippines was chosen as this maritime domain spans the South China Sea and Sulu Sulawesi Seascape, making it a particularly interesting case study within the broader Indo-Pacific region and for beginning the application and realization of the USAID GIDAP (U.S. Agency for International Development 2022). Notably there is interest in conducting additional site-based case studies in Indonesia and/or Malaysia, in line with the USAID GESI Analysis (U.S. Agency for International Development 2021), but for the purposes of this report those locations were out of scope.

This descriptive study relied heavily on qualitative methods applied to anecdotal narratives with estimate numbers only asked of participants to help characterize a circumstance better to aid researcher discernment. For example, estimates on education levels and literacy rates helped clarify what types of resources are, and are not, useful to the communities. Estimates of Statelessness helped tell the story of citizen registry, or lack thereof, and gave insight to the potential degree of social exclusion and discriminatory practices while illustrating the reasons behind their major concerns. Numbers offered by participants were not validated and were not understood as anything more than a detail to give the narrative context. Discourse analysis was utilized to identify and interrogate key themes that were cross-referenced between the primary and secondary data sets. Statelessness estimates were compared to literacy and educational estimates, as well as geographic locations to identify any relationship between Statelessness and education and/or location. Data collection faced limitations due to language barriers, potential inaccuracies in translations, underrepresentation of female perspectives in FGDs, the influence of group dynamics, restricted site choices for safety reasons, and potential researcher bias from both the lead research team and a hired, outside research team for data collection in some of the less safe site locations. Information learned during primary data collection was authenticated by corroborating it with information from other key informants and the desktop literature review. Regional experts were consulted regarding the identified themes and their implications, and in the formation of recommendations.

For a full description of this investigation's methodologies, see Appendix C.

## 2. FINDINGS

These broad brush strokes contribute to the regional picture of the current state of interactions between Stateless and other socially excluded SSF of the Western Philippines, and the security risks they face. Together, they illustrate the current needs, concerns and opportunities within these underrepresented and at-risk communities, and provide valuable insight to effectively engage with, and sustainably develop, inclusive fishery communities in this highly biodiverse, resource-rich, competitive seascape. This preliminary profile draws attention through key findings to the status of the Sama peoples and Statelessness, foreign fleet encroachment in municipal waters, illegal marine wildlife trafficking, key concerns and mechanisms of social exclusion throughout the small-scale fisheries of the Western Philippines, and finally to desired capacity building measures (Table 2). Additional findings add insight helpful for building this capacity, calling on the nuances of the cultural layers that influence the daily decisions and perspectives guiding the interactions of these communities with their seascape. Illuminating these layers is necessary for advancing effective collaboration and systematically bolstering self-reliance through capacity building and empowerment (Tables 3 and 4).

### 2.1 KEY FINDINGS

Due to low levels of the unique condition of Statelessness, the findings that follow do not differ greatly compared to other socially excluded SSF communities within the region as described in the USAID GESI Analysis (U.S. Agency for International Development 2021). Table 2 presents a summary of these findings.

Table 2: Summary of key findings.

Statelessness	Low levels found - not unique to, but more prevalent in, Sama communities.
Foreign/PRC Fleet Interactions	No observed or reported interactions within the studied SSF communities.
Marine Wildlife Trafficking	A large amount of illegal harvest and marine wildlife trafficking is prevalent.
Illicit Criminal Network Flows	No interaction with, or knowledge of, illicit networks were reported.
Key Concerns	Participants share common concerns, but the extent varies by location.
Building Resilience and Capacity	Tenure rights, fishing technology, business training, alternative livelihoods, and cross-community capacity building are desired.

#### 2.1.1 STATELESSNESS

This investigation revealed that there were low levels of Statelessness, primarily attributed to a national registration in the PhilSys System initiative in 2021. Furthermore, it was observed that Statelessness was not exclusive to Sama indigenous communities, but was more prevalent within Sama communities compared to non-Sama communities.

## 2.1.2 FOREIGN AND PRC FLEET INTERACTIONS

There were no observed or reported interactions between the PRC militia or any other foreign fishing fleets with these SSF communities during the course of this investigation. Nor did researchers observe any foreign vessels in port or on anchor. Although one participant did recall frequently seeing a PRC fishing vessel in waters across the border in Indonesian waters. Additionally for consideration, the industrial fleets of concern to these SSF communities are those coming from the domestic metropolitan cities of Manila, Cebu, and General Santos.

## 2.1.3 MARINE WILDLIFE TRAFFICKING



Significant levels of illegal harvest and marine wildlife trafficking were evident through multiple indicators including the presence of species for sale in local wet markets and the target species reported by various communities during focus group discussions. Protected species that were observed for sale at the wet market included: Pearly Top Shell (*Trochus niloticus*); Fluted Giant Clam (*Tridacna squamosa*); Bear Paw Giant Clam, or Strawberry Clam (*Hippopus hippopus*); Smooth Giant Clam (*Tridacna derasa*); and Horned Helmet Conch (*Cassis cornuta*). There were other target prey reported by participants that are also a protection concern as they are recognized widely by the fisheries management community as threatened and/or overfished, like wrasses, parrot fish, various sharks and rays, some groupers, and a few others, but due to the time and translations constraints we were not able to learn the specifics for individual species identification during the focus group discussions. Harvesting of protected species that were not necessarily observed/photographed during the field work, but are well documented as being harvested by small-scale fishers, including Sama fishers, also include protected dugongs, turtles and cetaceans. It should be noted that not all communities harvest all of the species mentioned above. One community did report hunting dolphins, although most communities had great disdain for the idea when asked by the research team directly. On the opposite side of the spectrum, one community participating in this investigation has become advocates for the conservation of dugongs when in the past it had been a main staple in their diet.



Most communities reported harvesting the more commonly overfished reef fish like some groupers and wrasses. Participants are generally aware of the illegality of certain species, although not always, and sometimes choose to disregard the protected status. This is especially true when faced with the prospect of providing food for themselves and their families. For example, in discussions about *Cassia cornuta*, also known as the Horned Helmet Conch, some participants indicated that they did not view it as a problem to consume the animal while fishing, citing that the shell itself was not illegal, only the animal inside. The logic is if they consume the animal immediately, then there is nothing illegal contained within their catch. They also report that this particular animal - a marine gastropod mollusk - is delicious, and helps feed them during their fishing trips. Many of these species are protected internationally under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (United Nations Environment Programme 2023) which was ratified by the Philippines in 1981 (CITES Secretariat n.d.) and are classified as either threatened or endangered, and illegal, under the Philippine's Fisheries Administrative Order No. 208 (Republic of the Philippines 2023) and/or under Philippine's Fisheries Administrative Order 158 Series of 1986 (Republic of the Philippines 1986).

#### 2.1.4 ILLICIT CRIMINAL NETWORK FLOWS

These indigenous small-scale fishers prioritize enhancing livelihood opportunities over engaging in illicit criminal networks. They reported no interaction with, or knowledge of, prevalent illicit networks. Nonetheless, human trafficking concerns were observed by the researchers in two distinct local government units (LGUs): one Sama and one non-Sama. In an LGU on Sulu Island, home to many Sama communities, the research team was questioned by the LGU about the whereabouts and safety of their citizens whose return to the community had been delayed by a ferry scheduling issue. The LGU called with the inquiry because they reported losing some of their citizens to human trafficking ploys in recent years. At another site location in North Palawan, with no Sama communities, the LGU displayed posters in their Barangay Hall and Health Center warning against human trafficking schemes.

#### 2.1.5 KEY CONCERNS

Priority concerns of the indigenous SSF communities are similar, such as PRC encroachment, outsider intrusion in municipal waters, sea-level rise, fish habitat preservation, education, alternative livelihoods, and the impacts of marginalization. However, the extent of concern varies by location and not by indigenous identity. When asked why they are concerned with PRC encroachment when they have never experienced this phenomenon, all focus groups reported similar answers, "because we see it on the news."

#### 2.1.6 BUILDING RESILIENCE AND CAPACITY

Non-Sama communities place a strong emphasis on tenure rights due to their settled history, in contrast to the historically migratory Sama communities who did not consider tenure rights in the focus group discussions. Both Sama and non-Sama communities express similar preferences in line with the USAID GESI Analysis (U.S. Agency for International Development 2021) regarding gender role stereotypes and efforts to enhance fishing operations: men prioritize acquiring fishing technology and gear, while women seek small-business sales and marketing training. There is a shared desire among all communities to diversify their skill sets for alternative livelihoods and ensure better education for their children, viewing education and alternative livelihoods as first, a means to reduce fishing pressure on overfished fish stocks and second, as a way to live when the fish stocks disappear completely. Additionally, communities express interest in cross-community capacity-building initiatives, seeking to learn from communities that have successfully achieved the apprehension of illegal fishers in their traditional fishing grounds.

## 2.2 ADDITIONAL FINDINGS TO INFORM INCLUSIVE DEVELOPMENT

Unpacking cultural nuances that influence the daily decisions and perspectives guiding the interactions of these socially excluded small-scale fisherfolk is important to consider. Elucidating these nuances adds insight for better application of capacity building measures and identifies preferred empowerment options. Applying this knowledge is necessary for advancing collaboration efficacy and systematically bolstering self-reliance, advancing the USAID GIDAP (U.S. Agency for International Development 2022).

### 2.2.1 ADDITIONAL FINDINGS SPECIFIC TO THE SAMA COMMUNITY

These supplementary findings are significant for the Sama communities involved in this study, offering an updated perspective for those interested in engaging with the Sama culture, especially considering the evolution from a migratory existence on the sea to the more sedentary lifestyle of the past few decades. A summary of these findings can be found in Table 3.

Table 3: Summary of additional findings specific to Sama communities.

Sama Migration	<ul style="list-style-type: none"> <li>• Sama are no longer nomadic.</li> <li>• Migration is an action taken only to escape conflict or find livelihood opportunities.</li> <li>• There are no Sama located in the Palawan Province.</li> </ul>
Isolated Sama Communities	<p>Homogenous Sama communities experience less discrimination and assert more self-determination regarding social development mechanisms than heterogeneous communities. The most insular and geographically isolated community had:</p> <ul style="list-style-type: none"> <li>• Higher levels of educational attainment</li> <li>• A self-governed ocean patrol, not intimidated easily, policing and apprehending illegal fishers</li> <li>• Participated in scientific exploration, naming a new marine species</li> <li>• The furthest fishing grounds and most stable seafood harvest</li> <li>• Exhibited higher confidence. Notably this was the only community that offered, and was excited at the prospect, to share their traditional knowledge with other entities towards capacity building efforts.</li> </ul>
Sama Typologies	<ul style="list-style-type: none"> <li>• Specific typologies can be misleading. They are fluid people with self-defined identities that often overlap, and compete, with historical definitions per typology offered in the academic literature of social scientists.</li> <li>• Successful targeted engagement depends less on specific typologies of the Sama and more on the specific activities involved in their daily life. For example, are they fishers or seaweed farmers? Or do they live inland yet are still referred to as Sama Badjaw?</li> </ul>
Conflict Avoidance Culture	<p>The Sama display a culture of conflict avoidance affecting their:</p> <ul style="list-style-type: none"> <li>• approach to livelihood - they avoid fishing areas with higher density of fish because other fishers go there.</li> <li>• desired capacity building - they do not wish for assets that would then require defending from their neighbors, like FADs.</li> <li>• community establishment - they move to avoid conflict.</li> </ul>
Local Corruption	<ul style="list-style-type: none"> <li>• Sama participants reported corruption in the Ministry of Agriculture, Fisheries and Agrarian Reform (MAFAR) - the agency responsible for fisheries management in the Sulu Archipelago under the governance of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), preventing the Sama SSF benefiting from fisheries development programs.</li> </ul> <p>Some Sulu Island participants reported no fisheries enforcement because local politicians need their vote. This is particular to Sulu Island fishers and may not be Sama specific.</p>

Education	<ul style="list-style-type: none"> <li>● In violent conflict areas, such as on Sulu Island, Sama children feel bullied at school and desire their own school.</li> </ul>
Fishing Operations	<ul style="list-style-type: none"> <li>● Sama have undergone genetic evolution allowing them to free-dive to 20 meters while holding their breath for 5 minutes, with one account of 30 meters for 30 minutes.</li> </ul>
Predatory Debt Traps	<ul style="list-style-type: none"> <li>● None were reported.</li> <li>● This is contrary to findings from the desktop literature review which suggest the existence of predatory lending schemes, named the <i>Taoke System</i> and <i>Partida System</i>, continue to take advantage of the Sama. The most egregious forms of which hold the wife and children of the fisher on land as collateral (Jumala 2011).</li> </ul>
Social Exclusion Mechanisms	<ul style="list-style-type: none"> <li>● Sama avoid popular fishing grounds</li> <li>● In some communities Sama must wait to land their fish until after the other ethnicities have finished, limiting the demand for their fish and systematically guaranteeing they receive a lower price for fewer catch.</li> </ul>

### 2.2.1.1 SAMA MIGRATION

The Sama people are largely no longer nomadic. When researchers questioned the last time nomadic Sama were seen, the answers from focus group participants ranged from laughter and “I can’t remember” sentiments, to “the 1960s”. Migration was reported as an action only taken to escape conflict or find livelihood opportunities, it was not a pattern of continued nomadism, but rather a picking-up and relocating to another location in which to become sedentary again. Additionally, there were no Sama communities found in the Palawan Province.

### 2.2.1.2 ISOLATED SAMA COMMUNITIES

Homogeneous Sama communities with a uniform composition and little to no outsider influence, tend to face less discrimination and possess greater autonomy in shaping their social development than heterogeneous communities. Among these homogeneous communities, the most isolated and insular group demonstrated several distinct advantages, including higher levels of education, self-governed ocean patrols, active participation in scientific exploration, access to abundant fishing grounds, and notably, a willingness to share their traditional knowledge and their monitoring and enforcing skills to support capacity-building initiatives with external entities. This community exhibited a high degree of confidence and collaboration.

### 2.2.1.3 SAMA TYPOLOGIES

Understanding the Sama's intricate identities goes beyond specific typologies, as they possess fluid and self-defined identities that often overlap, and compete, with conventional and historic classifications. Successful engagement with the Sama hinges more on identifying the communities pertinent to the subject matter in focus – whether they are fishers, seaweed farmers, or reside inland while still being recognized as Sama Badjaw – than rigid typological distinctions that may not capture a specific community’s complex realities.

#### **2.2.1.4 CONFLICT AVOIDANCE CULTURE**

The Sama exhibit a culture of conflict avoidance that influences their livelihood choices, capacity building preferences, and community establishment. They often avoid fishing areas with high fish density due to potential conflicts with other fishers, refrain from desiring assets like fish aggregating devices (FADs) that may need protection from competing neighbors, and are even willing to relocate to evade conflicts within their communities. This culture of conflict avoidance hinders their ability to achieve fundamental security, such as access to social welfare benefits, abundant fishing grounds, and land tenure rights.

One Sama community stands out as an exception in terms of conflict avoidance and social exclusion. This homogenous, geographically isolated community has developed without experiencing daily discrimination and exhibits a high level of confidence. They have established their own ocean security patrol called "Jaga Dilaut," meaning "Guards of the Sea" in the local Sama dialect. This agency has successfully apprehended illegal fishers encroaching on their fishing grounds, and its success is attributed to paid patrol positions, fishers' involvement, and a structured patrol schedule of five random days a month with three patrols each day.

Supplemental details on the implications from this culture of conflict avoidance, and the unique aspects of the outlier community related to this cultural phenomenon, can be found in this report in Appendix D - Sections 6.4.1.1 and 6.4.1.2 respectively.

#### **2.2.1.5 LOCAL CORRUPTION**

Sama participants noted corruption within the Ministry of Agriculture, Fisheries and Agrarian Reform (MAFAR), impeding the Sama SSF's access to fisheries development programs in the Sulu Archipelago under the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) governance. Additionally, some Sulu Island participants mentioned a lack of fisheries enforcement due to political considerations related to votes, a concern possibly affecting Sulu Island fishers in general rather than being Sama-specific.

#### **2.2.1.6 EDUCATION**

Education levels range in Sama communities. Those communities closer to large, populated cities and in areas of less violent conflict tend to have more access to education. The participants report many of them went to the highest level of school that was on offer at the time when they went. However, at that time they were limited to an elementary level of education. Now their children are able to access much higher levels of education like middle and high school. In areas with more recent violent conflict, like Sulu Island, Sama children experience bullying at school from non-Sama classmates so much so that they express a strong desire for a dedicated school of their own.

#### **2.2.1.7 FISHING OPERATIONS**

Sama employ diverse fishing methods, including hook and line, as well as spearguns. Their genetic evolution, characterized by a twofold increase in spleen size, enables them to free-dive up to 20 meters while holding their breath for approximately 5 minutes, with one individual reportedly capable of diving to depths of 30 meters and remaining submerged for up to 30 minutes, as recounted by focus group participants. It should be noted that spearguns are illegal if used in conjunction with air compressors under The Philippines Fisheries Code of 1998, Section 90 (Republic of the Philippines 1998a) and its' 2014 amendment, Republic Act number 10654, Section 95 (Republic of the Philippines 2015). Finally, one Sama community reported using Touvi Vine to fish. This traditionally used plant is seen as producing a noxious chemical and therefore is an illegal gear type under Republic Act number 10654 (Republic of the Philippines 2015).

### 2.2.1.8 PREDATORY DEBT TRAPS

Our research did not uncover any instances of predatory debt traps during direct questioning of focus group participants, with none being reported. These findings contrast with those of the desktop literature review, which suggested the presence of predatory lending schemes, such as the *Taoke System* and *Partida System*, exploiting the Sama community. Some of the most severe cases involve using the fisher's wife and children as collateral, as previously documented (Jumala 2011).

### 2.2.1.9 SOCIAL EXCLUSION MECHANISMS

Some Sama communities avoid healthy fishing grounds, thereby limiting their catch potential. Additionally, in some instances, they are forced to wait until other ethnic groups have completed their fishing sales at the port before they are able to land their catch. This practice diminishes the demand for their fish, as other suppliers have already met buyers' needs, systematically leading to lower earning potential for the Sama's catch.

## 2.2.2 ADDITIONAL FINDINGS PERTINENT TO ALL SSF COMMUNITIES INCLUDED IN THIS INVESTIGATION

Numerous additional findings were identified in both Sama and non-Sama communities, and it is crucial to consider these findings when seeking to engage and empower these SSF communities effectively. Table 4 presents additional findings that are valid for all communities included in this investigation.

Table 4: Additional findings valid for all socially excluded SSF communities included in this report.

Education	<ul style="list-style-type: none"> <li>● Less than 1% of both genders have entered or finished their tertiary education across all but 2 sites.</li> <li>● Women complete more education than men.</li> <li>● Educational access is highly desired. Access is encumbered by a lack of institutions as well as a need for children to support the family's livelihoods.</li> </ul>
Religion	<p>Conservation efforts experience higher levels of success when articulated through religious contexts.</p> <ul style="list-style-type: none"> <li>● Islam is the prevailing religion of the Sama and South Palawan SSF communities, along with a mix of their ancestral beliefs. Some refer to this as "Folk Islam" or "Umboh".</li> <li>● Christianity is the prevailing religion of North Palawan.</li> </ul>
Gender	<p>Gender roles frequently matched that of the stereo-typical roles reported in SSF in Southeast Asia (U.S. Agency for International Development 2021). Men dominated harvesting operations while women bear the responsibilities on land from pre- and post- harvest operations, to taking care of the home and family finances.</p> <ul style="list-style-type: none"> <li>● Women are more interested in business sales and marketing training than the men.</li> <li>● Men are more interested in fishing vessels, gear, and technological capacity building measures.</li> </ul>

Persons with Disabilities (PWD)	<ul style="list-style-type: none"> <li>● PWD in most communities did not support income generation.</li> <li>● One community (non-Sama) has PWD contributing by making handicrafts, like stuffed animal Dugongs, and are selling them successfully via Facebook.</li> </ul>
Fishing Operations	<ul style="list-style-type: none"> <li>● These are unique to each community, and often span a range of methods, distances, and gear - some of the gear is illegal.</li> <li>● Vessels range from non-motor to motorized. Fuel is a limiting resource.</li> </ul>
Fishery Regulatory Awareness	<ul style="list-style-type: none"> <li>● All sites reported comportment with the law. Researchers observed evidence contradictory to comportment at all sites, usually due to a lack of knowledge and not intent.</li> <li>● Participants self-reported low familiarity with fishery laws.</li> <li>● Participants were most familiar with bans on explosives, noxious chemicals and small mesh size.</li> <li>● Participants were less familiar with species that are illegal to harvest. The caveat to this is that one community wishes to hunt their traditional prey, dolphins, and understands and is disgruntled that it is illegal to hunt this prey.</li> <li>● Open disagreements with regulations were around spatial and temporal closures.</li> </ul>
Climate Change Impact	<p>Participants feel:</p> <ul style="list-style-type: none"> <li>● Unseasonably hot temperatures</li> <li>● Flooding due to Sea Level Rise</li> <li>● Drought</li> <li>● Changes in Dates of Monsoon Season</li> <li>● More frequent Storms</li> <li>● More wind</li> <li>● More rain</li> </ul> <p>Participants' priority concerns for the future are:</p> <ul style="list-style-type: none"> <li>● Sea level rise</li> <li>● More frequent storms</li> <li>● Catch reduction</li> <li>● Death of corals habitats</li> </ul>
Predatory Debt Traps	<ul style="list-style-type: none"> <li>● None were reported.</li> </ul>
Social Exclusion Mechanisms	<ul style="list-style-type: none"> <li>● Social welfare is not disseminated equally.</li> <li>● Socially excluded communities have less job opportunities within the LGU, and as porters.</li> </ul>

### 2.2.2.1 EDUCATION

Across the majority of sites, fewer than one percent of individuals of both genders have pursued or completed tertiary education. Interestingly, women tend to have higher educational attainment than

men. However, access to education is highly sought after but hindered by limited educational institutions and the necessity for children to contribute to the family's livelihoods.

#### **2.2.2.2 RELIGION**

Conservation efforts tend to be more successful when integrated into religious frameworks according to local conservation practitioners. Among the Sama and South Palawan SSF communities, Islam, often mixed with ancestral beliefs, is the dominant religion, often referred to as "Folk Islam" or "Umboh." In contrast, North Palawan is predominantly Christian.

#### **2.2.2.3 GENDER**

Gender roles within these communities often align with traditional stereotypes observed in small-scale fisheries in Southeast Asia and reported in the USAID GESI Analysis (U.S. Agency for International Development 2021). Men typically take the lead in harvesting operations, while women bear the responsibilities related to on-land activities, including pre- and post-harvest operations, household duties, and managing family finances. Notably, women express greater interest in small-business sales and marketing training, while men prioritize acquiring fishing vessels, gear, and technological capacity-building measures. It is also worth noting that in some communities, wives go out fishing for prolonged time periods with their husbands to keep them company, but this varies from community to community and is not a trait specific to either Sama or non-Sama communities.

#### **2.2.2.4 PERSONS WITH DISABILITIES (PWD)**

In the majority of communities, people with disabilities (PWD) did not actively contribute to income generation activities. However, one non-Sama community stood out, as they engaged PWD in crafting handicrafts, such as stuffed animal dugongs, which they successfully sell through Facebook, providing an alternative income source.

#### **2.2.2.5 FISHING OPERATIONS**

Fishing practices and methods vary significantly among communities, encompassing a wide range of approaches, distances, and equipment. Legal gear types include: hook and line, bottomset gillnet, scoop net, spearguns, squid jiggers, and FADs. Drift gill nets are also used, and when used within municipal waters they are illegal under The Philippines Fisheries Code of 1998, Section 90 (Republic of the Philippines 1998a) and its' 2014 amendment, Republic Act number 10654, Section 95 (Republic of the Philippines 2015). Additionally, the types of vessels used by the SSF can range from non-motorized to motorized, with fuel acquisition being a limiting factor. There are frustrated reports from these SSF that they witness domestic commercial fleets from Manila and Cebu coming to their municipal waters using trawls and Danish seines which are damaging to the habitat and also illegal under The Philippines Fisheries Code of 1998, Section 90 in municipal waters (Republic of the Philippines 1998a).

#### **2.2.2.6 FISHERY REGULATORY AWARENESS**

Across all sites, there was a reported adherence to fishing laws, although researchers observed instances of non-compliance, mainly attributable to a lack of awareness rather than deliberate intent. Participants generally expressed limited familiarity with fishery laws but had a better grasp of prohibitions on the use of explosives, harmful chemicals, and small mesh sizes. Conversely, there was less awareness of species-specific harvesting restrictions, although one community expressed discontent with the ban on hunting their traditional prey, dolphins. Disagreements with regulations were mainly related to spatial and temporal fishing closures.



### **2.2.2.7 CLIMATE CHANGE IMPACT**

Participants expressed concerns about various climate-related issues, including seeing a noticeable change over the past decade with regards to unseasonably high temperatures, increased flooding due to sea level rise, droughts, shifts in monsoon season dates, more frequent storms, higher wind levels, and increased rainfall. Their primary future concerns revolved around sea level rise, the growing frequency of storms, declines in fish catches, and the deterioration of coral habitats. These concerns are amplified by the fact that most of these communities reside in stilt homes along the coast, making them highly vulnerable to sea level rise and storms. Additionally, the growing frequency of storms poses a safety risk for their fishing activities, and the decline in coral habitats is troubling because the health of the coral directly impacts fish populations.

### **2.2.2.8 PREDATORY DEBT TRAPS**

No predatory debt traps were reported by participants. Similarly to the Sama communities, there are financiers known as “bosses”, but none of the participants felt that there was predatory lending schemes or debt traps being utilized by these financiers.

### **2.2.2.9 SOCIAL EXCLUSION MECHANISMS**

Many of the indigenous SSF communities in this investigation faced unequal social welfare distribution, where non-discriminated ethnicities received their benefits from the LGU before marginalized communities received what was left. This disparity extended to rice distribution during the Coronavirus Disease 2019 (COVID-19) pandemic, with some communities receiving only 1 - 20 kilograms of lower-quality rice while their neighbors received 50 kilogram bags of higher-quality rice. Additionally, participants feel discriminated against with regards to the processing of their Certificate of Ancestral Domain Title (CADT), some reporting waiting over 30 years to hear any news - failure or success. Furthermore, socially excluded communities encountered limited job opportunities both within the Local Government Units (LGU) when educationally qualified, and as porters or laborers at the ports.

### 3. DISCUSSION

Overall, many of this investigation's findings in relation to our key questions were not unique to the condition of Statelessness, or Sama versus non-Sama, as low levels of statelessness were identified in Sama and non-Sama communities, and all communities are SSF experiencing some similar form(s) of social exclusion and discrimination in concurrence with the USAID GESI Analysis (U.S. Agency for International Development 2021). Therefore, this case study in the Western Philippines suggests whether Stateless or not, Sama or not, small-scale fisherfolk have similar needs and concerns within both sub-regions of the South China Sea and the Sulu Sulawesi Sea, and possibly the broader Indo-Pacific region. However, this should be validated through further field investigation in Indonesia and Malaysia and in furtherance of the USAID GIDAP (U.S. Agency for International Development 2022). Individual differences were identified between all participating communities, including amongst and between Sama communities. However, due to the Sama's comparable culture and the governance of their autonomous region, Sama communities had important overarching similarities that contrasted non-Sama communities, such as approaches to conflict and tenure. Cultural differences influential to effective engagement and empowerment schemes are explored in Appendix D.

#### 3.1 EXAMINING OUR KEY QUESTIONS

##### 3.1.1 WHAT IS THE MAGNITUDE OF STATELESSNESS WITHIN WESTERN PHILIPPINES SSF COMMUNITIES, AND HOW DO THE ADDED SOCIAL OBSTACLES FROM THIS CONDITION AFFECT THEIR SECURITY?

The implementation of the Philippine Identification System (PhilSys) has been productive, seen by low levels of statelessness. This is true in both Sama and non-Sama communities. However, Statelessness was more present in Sama communities compared to non-Sama communities. Throughout the SSF communities investigated in this case study the elderly, persons with disabilities (PWD), and those communities on islands furthest away from safe population hubs remain challenged to reach the PhilSys registration centers, and remain Stateless. Enhancement to the system requires home and Barangay visits by a PhilSys registrar enabled with remote methods. Due to low levels of Statelessness, obstacles related to the condition of Statelessness were not found to affect the security of these communities as a whole. The challenges encountered by these communities align with those experienced by other small-scale fishing communities and could be mitigated through the more comprehensive enforcement of the Indigenous People's Rights Act, RA 8371, and the Philippine Constitution (Republic of the Philippines n.d.b; Pomeroy and Courtney 2018).

##### 3.1.2 IS THERE INTERACTION BETWEEN THE PRC MILITIA, OR ANY OTHER FOREIGN, FISHING FLEET WITH THESE SSF COMMUNITIES?

There were no reported issues with the PRC or any other foreign fleets within close proximity of site locations, nor were there any observations of encroachment or transit of PRC vessels, or any other foreign fleets, during the course of this investigation. During fieldwork researchers did not observe any foreign fishing vessels at anchor or at port. However, there was one account of a PRC fishing vessel in Indonesian waters that indicates a consistent PRC pattern at that location. There is a fish aggregating device (FAD) in the Sulawesi Sea directly over the Filipino border where a PRC fishing vessel operates once every 1 - 2 weeks. The KI reported minimal interaction with a little radio contact. The sightings were described as "encroachment on fishing grounds", although once elaborated upon, researchers learned the two groups of fishers do not fish the same FAD. Rather

each fishing operator owns their own, most likely illegal, FAD. When asked to what extent he believed the PRC fishing vessel contributed to the depletion of fish stock in the area, the KI replied that it was “difficult to determine”. This KI is aware he is fishing illegally in Indonesia, but takes the risk (Unnamed Kansayangan Fisherman, interviewed by author, Zamboanga, West Mindanao, Philippines, May 9, 2023).

### 3.1.3 WHAT IS THE EXTENT OF ILLEGAL MARINE SPECIES HARVEST AND TRAFFICKING THROUGH THESE SSF COMMUNITIES EXPERIENCING LIMITED INCOME OPTIONS?

Despite all FGDs reporting comportment with the law, there was evidence of illegal marine wildlife trafficking. When key informants (KI) were asked about target prey, the lists provided often contained illegal species. Researchers also observed the selling of illegal, protected, and threatened species at a local wet market and witnessed the transit of at least one of the species through an airport during their fieldwork. The transit through the airport was observable to researchers because an airport agent removed it from a box in the passenger’s suitcase, questioned it, and returned it to the suitcase - seemingly because the agent decided it was not illegal to transport the species that is actually protected and illegal to take under the Philippine’s Fisheries Administrative Order (AO) 158 series of 1986 (Republic of the Philippines 1986). Other species additionally observed were classified as endangered and illegal to harvest under Philippine’s Fisheries AO 208 with some being internationally recognized on the UN Convention on International Trade in Endangered Species of Wild Fauna and Flora’s Appendix 2 (Republic of the Philippines 2018b; 2023; United Nations Environment Programme 2023). Whether or not fishers wittingly or unwittingly harvest illegal species varied per location and per species. At the wet market they were not requesting premium prices for these marine species, suggesting that for them it is just part of their traditional daily business and not an illicit opportunity to be exploited.

Additionally, KIs from sites located closest to Sabah, Malaysia, from both the Sulu Archipelago and Palawan directions, report informal trans-border trade with their neighbor under no customs controls. This trade includes cooking oil, fuel, sugar, rice, coffee, and many other commodities, in addition to their marine harvest. KIs assured researchers this trans-border trade was legal because there were no border controls. This belief is incorrect, however. Trans-border trade is illegal and operates in a gray zone of an evolving set of laws and policies (The Asia Foundation 2019). The exact extent to which illegal marine wildlife species are trafficked internationally or domestically through the informal trans-border trade or relaxed domestic enforcement remains unclear.

### 3.1.4 ARE THERE ILLICIT ACTIVITY NETWORKS THAT PREY ON THESE COMMUNITIES?

Findings suggest these communities are not being employed through the illicit criminal networks that thrive in this maritime domain as not a single KI was familiar with such activity. SSF communities in the Western Philippines are more interested in strengthening livelihood opportunities than participating in illicit criminal networks. They report no interaction with, or knowledge of, these illicit networks at the time of this study. Moreover, they seemed shocked to learn this type of behavior thrives in the region, and was the reason for the researcher’s questions regarding this type of activity. Nor did any community report evidence of a predatory debt system like the *Taoke* or *Partida Systems* discovered through the desktop literature review process (Jumala 2011). However, researchers observed human trafficking is a concern of LGUs through the study area. In the south, one LGU on Sulu Island called the researchers and questioned their intent, inquiring after the whereabouts of their citizens, when the return of their community members from a FGD had been delayed by a ferry schedule. This was reportedly due to a known existence, and community risk, of human trafficking in the region. At the northernmost site, in the Palawan Province, researchers

noticed an LGU had posters warning about human trafficking schemes hanging in their Barangay Hall and Health Center.

### 3.1.5 WHAT ARE THE KEY ISSUES AND CONCERNS AFFECTING THE WAY OF LIFE FOR THESE SOCIALLY EXCLUDED SSF?

Key concerns for all study locations include PRC encroachment, regardless of a lack of PRC encroachment. Participants report hearing about PRC fleet harassment on the news and it worries them immensely as inferred by the specific ask of researchers from many of the study locations, to incorporate this concern at a higher level than the rest of their concerns in the investigation's report. Additionally, these communities are concerned with the current encroachment of the domestic fishers occurring on their municipal waters - commercial and SSF.

Whereas foreign industrial fleet encroachment is not observed by these fishers, domestic industrial fleet encroachment is. Domestic commercial fishers are observed as coming into municipal waters and using illegal fishing gear. Additionally, they fish during closed seasons and take fish that are meant to be protected by temporal closings. This domestic commercial activity is perceived to be the main cause of depleted fish stocks and is illegal under the LGC and Section 17 of the Amended Fisheries Code of 1998, RA 10654 (Republic of the Philippines 2015; 1991; Pomeroy and Courtney 2018). These SSF communities are equally concerned with domestic fleet and foreign fleet encroachment even though there is no evidence of the latter. In particular, these communities report hearing about the PRC fleet on the news, and this is why they worry that one day the PRC fleet will come closer.

Domestic outside small-scale fishers are reported as using dynamite and cyanide in municipal waters. The use of dynamite and cyanide is outlawed under RA 10654, An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Amending the Fisheries Code of 1998, RA 8550 (Republic of the Philippines 1998a). Here, Section 17 gives priority to locally registered fisher organizations (Pomeroy and Courtney 2018). Study participants have concluded that destructive methods are being used by these outsiders, as there is a timing correlation between the presence of outsiders and the deterioration of healthy seaweed farms and coral heads. It should also be noted here that anyone possessing explosives can also be given the penalty of Reclusión Perpetua, up to 40 years imprisonment, under the Illegal Use or Possession of Explosives Act, RA 9516 (Republic of the Philippines 2007).

Other high priority concerns include climate change effects. Specifically high air temperatures, warmer waters affecting healthy fish habitats and migration patterns, and sea level rise are of greatest concern. In particular, sea level rise endangers their home's foundation as most live on the water or on the coast in houses built on stilts that travel through the water column. Participants have been watching the sea rise on their stilt foundations, a little higher every year during the King Tides.

There are major concerns that fishing is harder work for less catch than it has been in decades past. The communities lack alternative livelihoods for sustaining their income during fishery closures, or bad weather. They also realize with declining fish stocks, their children may not be able to live off of the sea in the coming years. Therefore, education for the children and alternative livelihood training for the adults are highly desired as there is currently a lack of educational access and alternative livelihood skill training options.

The effects of marginalization range widely from access to traditional fishing grounds, social welfare dissemination, job opportunities and Certificate of Ancestral Domain Title (CADT) application processing. The manifestations of discriminatory practices, although similar, were unique to each study location. One Sama community reported being unable to land their fish until all other fishers had, thereby guaranteeing low demand and the lowest daily price for their catch. Two Sama communities reported the 4Ps welfare from the LGU was only disseminated after providing it to

other ethnic groups, and as a result they received only what was leftover - not the full amount that they were entitled. Other Sama communities reported being unable to fish in their municipal waters due to the national BFAR definition of a small-scale commercial fisher, even though they are not actual commercial fishers but rather more like artisanal fishers by the international FAO standard (Food and Agriculture Organization of the United Nations n.d.a). Distinctly, one community knowingly risks apprehension and arrest due to the national BFAR definition of “small-scale commercial fisher”. The BFAR definition in Fisheries AO 198-I defines vessels of 3.1 - 20 gross tons (GT) as “small-scale commercial” fishers (Republic of the Philippines 2018b). This community uses vessels just barely over the 3 GT limit. However, their lifestyle and lack of market would classify them more as subsistence and artisanal fishers and in the social context of a small-scale fisher as described by the UN FAO (FAO 2015). They are not the commercial fishers that BFAR’s AO 198-I was intended to regulate and keep out of the 15 kilometers of municipal waters.

Sama and non-Sama communities both report blocked access to fishing grounds at pearl farms and tourist resorts. They both also experienced discrimination through unequal rice distribution from the LGUs during the COVID-19 pandemic. Additionally, both communities report difficulties in securing employment outside of fishing. As porters at the port, they must wait at the back of the line and be chosen last, if at all. In the case of professional employment, like in the LGU office, they are also discriminated against, overlooked for employment even if they have all necessary qualifications, education, and skill sets. In fact, there are reports of outsiders from different communities being brought in to fill vacancies instead of choosing someone locally from a socially excluded SSF community who has the required credentials.

Securing ancestral domain rights remains a challenge. The application process for a Certificate of Ancestral Domain Title (CADT) under The Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands of 2012 - National Commission on Indigenous Peoples (NCIP) AO 4, is not clear to many of these communities (Republic of the Philippines 2012). One community reported waiting for 30 years to hear back from the NCIP with regards to their application, indicating a breakdown in the system and communication between the NCIP and communities they are meant to support. The focus on acquiring ancestral domain rights differed between Sama and non-Sama communities due to differences in culture and political geographies. Non-Sama communities have been historically sedentary and desire the CADT for their lands. Whereas Sama communities, who were migratory and in a geography full of evolving conflict, were not focused on receiving a CADT, but rather focused on basic survival and living somewhere peacefully. Additionally for consideration, the Sama’s location in the Sulu Archipelago positions them under the jurisdiction of the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) government (Republic of the Philippines 2018a). The BARMM government is four years old and tenure rights to nomadic people may not be a priority of a young government rebuilding after decades of violent conflict and waves of domestic terrorism (Institute for Policy Analysis of Conflict 2016).

### **3.1.6 WHAT IS THE BEST APPROACH TO BUILD RESILIENCE AND CAPACITY WITHIN THESE COMMUNITIES, DECREASING THE ATTRACTIVENESS OF ILLICIT ACTIVITY WHILE INCREASING THEIR BASIC HUMAN SECURITY?**

To empower these communities, specific capacity building measures were requested by the communities. Securing ancestral domain rights remains a challenge and high priority for non-Sama. Sama’s focus on survival, paired with the upheaval and constant evolution of political control in the Sulu Archipelago leaves issues of tenure by the wayside for the Sama.

With regards to fishing livelihoods, and consistent with the GESI Analysis findings on stereo-typical gender roles in SSF communities in the Indo-Pacific, men were focused on harvesting while women focused on the pre- and post- harvest operations on land (U.S. Agency for International

Development 2021). Although in a few communities women reported going out to sea with their husbands. Men desire building capacity through acquisition of vessels and other fishing gear, technology such as fish finders and access to weather forecast dissemination for safer and more efficient fishing trips as migration patterns of fish and weather patterns have changed due to climate change. The women desire business sales and marketing training as they run the household, family finances, and pre- and post- harvest operations. Post processing centers with icing ability would also allow them to save their fish until a higher price could be fetched, store surplus instead of losing fish that have already been harvested, and allow them to save fish for income during periods of closures or inclement weather.

All communities report suffering from a decline in fish stocks citing fishing as not bringing in the food or income it once did. To overcome this issue, these indigenous SSF communities desire alternative livelihood training and increased educational access. The specific types of requested alternative livelihood training differed by location in response to the various surrounding ecosystems and opportunities. For example, communities close to tourist locations requested learning massage skills. Massage skills would not suit communities far away from tourism, but house cleaning skills might. Specifically, in Palawan Province, communities concerned with ancestral domain rights made a special request that any livelihood development should not lead to a situation where their CADT application could be dismissed as a result. For example, if they become involved in a governmental environmental development project in their area as a new livelihood, they fear the government may then take ownership of this developed land, risking their tenure claim. Increased access to education for the children would also help bolster the future of the communities, many of which do not have schools. Building schools and developing teachers, contributes to diversifying livelihoods of the next generation.

Cross-community engagement was a welcome suggestion to secure traditional knowledge and build confidence and self-reliance throughout the indigenous communities. This can be supported by LGC Section 35 where LGUs and people's organizations are encouraged to collaborate (Republic of the Philippines 1991).

Finally, when asked if KIs would like to participate in fisheries management decisions at the Barangay, Municipal, or National levels, the answer was always yes to all three - although they caution their presence would only be a formality. The general perspective is that their concerns have been ignored when they have had representatives on other Barangay and Municipal Councils in the past.

The most effective approaches to enhancing capacity and resilience considers supplementary insights also acquired during this investigation, presented in Section 3.2. Therefore, the precise strategies for capacity building, cross-community engagement, and the integration of indigenous perspectives into fisheries management fora are elaborated upon in Section 3.3 - Strengthening Small-Scale Fisheries Security - of this report, subsequent to the exploration of these other key considerations.

## 3.2 OTHER KEY CONSIDERATIONS

### 3.2.1 ECONOMIC CONSIDERATIONS

In terms of the economic dynamics within these SSF communities, the Sama differed from non-Sama communities in several key aspects.

### **3.2.1.1 ECONOMIC INSECURITY - SAMA**

Many households report needing to transition livelihoods because fishing is no longer providing for their needs. Some communities reported as much as 70 - 90 percent of their community is needing to transition.

Additionally, the desktop literature revealed the existence of predatory lending schemes, named the *Taoke System* and *Partida System*, that exploit the Sama's economic insecurity and keep them trapped in a debt scheme, beholden to a financier. The most egregious forms of which hold the wife and children of the fisher on land as collateral (Jumala 2011). However, anecdotes of financiers and various "bosses" were discussed with the participants of this study. Contrary to the desktop literature, KIs felt there were not any debt traps or predatory lending methods being used by the bosses or financiers. This contradictory data may stem from a study limitation, as the researchers were unable to visit the Sulu Island site locations personally, and could not include communities from Basilan Island all together, due to safety concerns. There is a possibility that predatory lending schemes exist in these regions with higher levels of violent conflict, but were not uncovered by the lead or hired outside research team.

Sama SSF also report price gouging of their fish in the local markets. They wished the fishmongers would not raise the prices so high that their community cannot afford the fish as not everyone can fish for themselves every day. They asked for a price control mechanism that protects the people and distributes the wealth more equitably to the fisherfolk.

### **3.2.1.2 ECONOMIC SECURITY - NON-SAMA**

Although limited income opportunities remain challenging for these non-Sama, socially excluded, SSF communities, they exist at an economic level somewhere slightly above the Sama. Residing in coastal areas and stilt houses, they have the added value of integration on land. This allows crop farming and husbandry in addition to fishing and seaweed farming.

Unlike the Sama these communities report low levels (< 10 %) of people are needing to transition livelihoods away from seafood harvesting. In fact, at one study site, more people are becoming seaweed farmers, because it is a growing industry for them. There is also increased access to markets for the indigenous SSF communities in Palawan Province with formalized business agreements exporting to near-by tourist areas and/or Manila. These communities are also more focused on securing their tenure rights and some have succeeded at doing so, guaranteeing them certain rights as well as the availability to farm.

## **3.2.2 CONSIDERATIONS CONSISTENT ACROSS THE REGION**

When striving for new policies, a crucial commonality to consider across SSF communities in the region is the profound influence of religion on their daily lives and values. New policies and habits have been adopted and integrated better when expressed through religious contexts according to outsider, engaged stakeholders. Although this data represents a case study in the Western Philippines spanning two sub-regions – South China Sea and Sulu Sulawesi Seascape – they may be extrapolated to the broader Indo-Pacific region. However, this should be validated through further field investigations in Malaysia and Indonesia in line with furtherance of the USAID GIDAP (U.S. Agency for International Development 2022).

### **3.2.2.1 CLIMATE CHANGE MANIFESTATIONS**

The effects of climate change manifest similarly across this region. Unseasonably hot temperatures have increased in the last decade and are concerning for reasons of public health. Flooding from sea level rise threatens the structure of stilt houses and drought has left these communities with less

drinking water. Changes in monsoon seasons, frequency of storms, and wind and rain patterns have made planning safe and efficient fishing trips challenging. Warmer waters have decreased healthy habitat for the fish and the seaweeds.

The biggest concerns they have for their future reflect this experience. Projected sea level rise, increasing storms, the forecasted catch reduction and death of corals bring forward more reasons to increase access to future prospects that are not dependent on the fishing sector, through access to education and alternative livelihood training.

### **3.2.2.2 ILLEGAL AND OVERFISHING**

While warmer waters threaten healthy fish populations and seaweeds, so too does illegal fishing and overfishing from outsiders within the municipal waters of these SSF. Participants experience outsiders from Manila, Cebu, Davao, and General Santos City fishing their waters and using illegal methods while infiltrating their space.

Most participating communities attribute their low fish stocks to domestic industrial commercial fishing companies from these metropolitan areas. The idea that outsider small-scale fishers impact their fish stocks is not wholly considered. Instead, the only perceived threat from outside SSF is their behavior using explosives and noxious chemicals. Participants observe these outlawed practices directly negatively impact the health of the seaweeds and corals. They report that once the outsiders started coming the seaweed started experiencing health issues and the coral started turning white. These changes could also be due to warmer waters, however the direct correlation between the altered environment with the timing of outsider arrival is reason to believe it is more than just climate change affecting this environment negatively.

Within the communities, there are also reports of illegal fishing with dynamite and cyanide. Participants were aware these practices are banned and expressed concern that estimates of 10 - 20 percent of their communities were still employing these methods. One community reported that all of their PWDs became disabled from employing these destructive methods in the past.

### **3.2.2.3 ADOPTION OF FISHING LAWS AND ASSOCIATED CHALLENGES**

When the participants were asked if they felt familiar with fishery laws, fishers reported feeling uninformed. While the ban on explosives, chemicals, compressors, and small mesh size on nets were well known by participants, less familiar were laws regarding illegal taking of protected and threatened species. Additionally, smuggling to Sabah, Malaysia was either recognized as a sort of gray area being taken advantage of, or not recognized at all. Due to the long-standing historical and familial barter trade system, everyone seems to be under the incorrect impression that there is an open border with Sabah for trading all types of goods - from fuel to coffee to fish.

*“A lack of awareness of fishery laws and regulations has caused confusion and allowed illegal fishing to perpetuate.”*

A lack of awareness of fishery laws and regulations has caused confusion and allowed illegal fishing to perpetuate. Word of mouth is a common source of information. The other way participants report learning that a particular law or regulation exists is by committing an offense and being reprimanded. Depending on location and the spirit of relationship between the community and enforcers, the spectrum of the reprimand is broad. Some communities have

been immediately apprehended and thrown into jail for periods of six months. Others receive a verbal warning the first time, and then a fine and confiscation of their vessel if they persist. This punishment then presents the added challenge of raising money to pay for the fine when your main



tool for livelihood income generation has been taken. When this happens, some of the fisherfolk transition to becoming fishmongers.

It is a challenge to follow the law if you do not know it. It is also difficult to follow the law when you need to feed your family and feel you have no other option. For fishers arrested for fishing inside municipal waters, this is often the case. Their vessels may be just over the 3 GT defining threshold set by BFAR determining them as commercial fishers, yet they do not possess the means for fuel to travel outside the 15 kilometer boundary set by this definition, nor are they bringing in large amounts of catch that would satisfy internationally accepted descriptions of commercial fishing. These fishers asked genuinely, “what else can we do?” (Unnamed Fisherman, interviewed by author, Tinoto, Masim, Sarangani, Philippines, May 3, 2023).

Closures of fishing grounds present another obstacle. Whether an area is spatially closed as a protection area, or temporally closed for spawning season does not matter to these socially excluded fishing communities. Their experience of exclusion lends itself to feeling that “off-limits” is just another way for discrimination to propagate - especially when their perception is that commercial fishers, and not SSF, are creating the deficit in fish stock. An overwhelming perspective from each of the study locations was summed up by Mr. Zaldy, “We are small-scale subsistence fishers, we should be free to fish where we want”, (Mr. Zaldy, Badjao Village Fisherman, interviewed by lead researcher, Bongao, Tawitawi, Philippines, May 3, 2023). It should be noted however that this belief is in opposition to recent academic literature (Yonvitner et al. 2020; Smith and Basurto 2019) and what the FAO reports globally - that SSF constitute roughly half of the total global fish catches, and account for two-thirds of the catch humans depend on for food (Food and Agriculture Organization of the United Nations n.d.a)

### 3.3 STRENGTHENING SMALL-SCALE FISHERIES SECURITY

These findings are derived from the comprehensive case study conducted in the Western Philippines as the focus of this investigation, but may be, at least in-part, applicable more broadly across the South China Sea and Sulu Sulawesi Seascape sub-regions. This should be validated through further field investigation in Malaysia and Indonesia and in furtherance of the USAID GIDAP (U.S. Agency for International Development 2022).

#### 3.3.1 PARTICIPATING IN FISHERY MANAGEMENT DECISIONS

Socially excluded SSF are eager to participate in decisions affecting their homes, waters, and livelihoods. However, the opportunities to do so have impediments. To begin, they must be invited and welcomed. They aspire to share their perspectives with the national BFAR and be heard by MFARMCs once invited. Income generation remains an issue and many feel they would have trouble attending management council meetings due to the need to put food on their table. In cases where some participants have been invited in the past, many have had to decline in order to work.

The conflict avoidance culture of Sama communities in particular may also result in hesitance. The potential for conflict in debating with government officials and/or the local community members who have more influence than they may restrict the Sama from voicing their authentic opinion and sharing their experiences. Their reticence must be proactively managed by their peer group showing intentional desire to hear from them.

Various domestic levels of fisheries management are not the only fora which socially excluded SSF can and would participate. They are very much open to participating in regional governance bodies who focus on conserving the waters in which these SSF communities depend, like that of the Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security (CTI-CFF). In addition, they look

forward to youth mentorship programs that will involve their communities while educating their future fisherfolk.

### **3.3.2 EMPOWERMENT THROUGH CAPACITY BUILDING**

The opportunities to empower these marginalized populations are numerous. Building educational institutions such as schools and alternative livelihood development centers diversifies income generation opportunities while taking pressure off of fish stocks. At the same time, creating opportunities for learning and employing sustainable fishing practices is necessary.

#### **3.3.2.1 SUSTAINABLE FISHING CAPACITY**

Building capacity for sustainable fishing practices is as vitally important as decreasing fishing pressure via increased educational opportunities leading towards alternative livelihoods. Fisherfolk requested hard copies of fisheries laws, regulations, and policies accompanied by annual training on these legal instruments as they are interested in sustaining the fish stocks they see decreasing over the last two decades. This information would have to be delivered in local languages and dialects. Men emphasized the necessity for fishing vessels and equipment, as well as, fish finders and weather forecasts to mitigate the felt impacts of climate change effects including shifts in fish migration patterns and heightened storm activity. Although it is important to note that in the past when vessels have been supplied (by BFAR and others), the capital needed to keep them operational (fuel and maintenance) was not provided and the vessels reportedly sit unused. Alternative fuel types are of interest. Wind and solar are welcome, but many of the SSF do not believe these alternative fuels will work. A holistic approach when implementing sustainable fisheries development programs is needed.

Women are interested in receiving business sales and marketing training, with specific mention of how to use technology like GCash and Facebook to increase their sales. Additionally, post-harvest facilities would support the women's work, and create a place where fish can be stored at cold temperatures for better product management.

#### **3.3.2.2 TECHNOLOGY TO INCREASE CAPACITY**

Administrating a stable internet would provide a valuable lifeline supporting education initiatives, diversification of livelihoods, and sustainable fishing practices. One community on the sea, not attached to land, has internet capabilities bettering that of the neighboring, closest island. They applied for this technology development through a national program offered in recent years by the Department of Information, Communication, and Technology (DICT). DICT provides a satellite dish and connection to the community who report using it more for business purposes and education compared to social media. This satellite connection enables the community to access a bigger market and sell their harvest to businesses across the country. Empowering communities with this internet capability would not only support education, alternative livelihood building, and better business sales, it will assist in implementing electronic catch documentation and traceability (eCDT) systems, disseminating necessary weather forecasts and providing other technology and training useful for increasing sustainable fishing practices.

#### **3.3.2.3 CROSS-COMMUNITY TRAINING - THE OPPORTUNITY WITHIN AN OUTLIER**

The isolated community mentioned as an outlier when it comes to conflict avoidance, and who has formed the Jaga Dilaut sea patrol, could serve as influential teachers to other Sama hindered by their culture of conflict avoidance. Under the LGC, communities are allowed to work together to take on different tasks for management consultation and other major initiatives (Republic of the Philippines 1991). Cross-community training would ensure traditional knowledge and practices are maintained and documented while aiding safe navigation and productive, sustainable fishing and securing

nutrition from the ocean. Furthermore, inspired by their peers, other Sama communities could be empowered to form their own effective sea patrols and propagate legal fishing behaviors while increasing enforcement presence, potentially driving away illegal fishers from their fishing grounds. This outlier community also offered sharing their knowledge with governments and other communities as their priority is to protect the sea. For those interested in engaging with them, this community is located in South Ubian, Tawitawi in Lawum Barangay on Tabawan Island.

## 4. RECOMMENDATIONS

As government agencies and partners engage these socially excluded SSF communities, it is important to remember and consider the significant role religion has been reported to play in helping adoption of new policies within the communities of the Western Philippines. Religious beliefs and ideologies should be harnessed, wherever feasible, when articulating reasons to follow and adopt sustainable fishing development policies. With regards to the Sama communities specifically, their conflict avoidance culture must also be considered. They may hesitate to share their authentic perspectives freely if they feel there is potential to create conflict. Information learning sessions with Sama communities need to be acquired with deftness and care for comprehensive understanding. Over time, indigenous champions who do not hesitate to share information could be mentored and developed.

### 4.1 REGIONAL RECOMMENDATIONS

Regional governance bodies and the international community play a crucial role in facilitating the inclusive development of marginalized indigenous SSF communities. They can foster cross-border cooperation for resource management, establish uniform regulations, mediate disputes, share scientific data, and assist national governments in aligning with global agreements to preserve marine ecosystems and prevent overexploitation. By choosing to include these marginalized communities in regional fishery and livelihood decision-making processes and prioritizing their needs when aiding national government initiatives, these organizations can also serve as role models for national and local governments, actively championing the inclusion and empowerment of socially excluded SSF through their support channels.

#### 4.1.1 CTI-CFF

The Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security (CTI-CFF) is an international governing partnership between six countries that each have a stake in conserving the marine resources of this biodiverse-rich seascape (Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security 2010). Within this governing body there are six national coordinating communities - one per member country - and technical working groups to support their work. Amplifying the voices of Sama and other marginalized indigenous SSF in regional forums will contribute to gaining domestic recognition of these communities and their crucial role in marine resource conservation. To elevate their voices in the CTI-CFF forum:

1. The Philippine's National Coordinating Committee (NCC) should consider formally recognizing and including the voice of Sama and other socially excluded, indigenous communities in all fisheries programs and at all technical working group meetings (Ecosystem Approach to Fisheries Management, Climate Change Adaptation, Threatened Species, Marine Protected Areas, and Seascapes), as they are the original stewards of the Coral Triangle region.
2. CTI-CFF should consider incorporating the Sama and other socially excluded, indigenous SSF community perspectives in their Sustainable Coastal Fisheries and Poverty Reduction (COASTFISH) initiative.

#### 4.1.2 RPOA-IUU

The Regional Plan of Action to Promote Responsible Fishing Practices Including Combating IUU Fishing (RPOA-IUU) is a cooperative framework among 11 Southeast Asian countries aimed at

combating illegal, unreported, and unregulated (IUU) fishing in the region (Regional Plan of Action to promote responsible fishing practices including combating IUU Fishing 2023). It promotes sustainable fishing practices, cooperation among member countries, and the sharing of information and resources to combat IUU fishing activities. The RPOA-IUU can bolster their efforts to combat illegal fishing by engaging the Sama and other marginalized, indigenous SSF fishers as strong regional partners with constant presence on the water, in the following areas:

1. The RPOA-IUU should support efforts to train a culture of conservation within these communities by supporting awareness raising campaigns to address the ongoing issues related to illegal fishing and its detrimental consequences. Given their lifelong connection to the sea, they can be valuable conservation partners, provided their basic human security needs are fulfilled.
2. The Sama and other marginalized, indigenous SSF communities can supply intelligence regarding informal, transboundary trade networks involved in illegal marine wildlife trafficking on the water in the South China Sea and Sulu Sulawesi Seascape subregions.
3. These socially excluded SSF communities could be trained to collect data regarding fish stocks, changing migratory patterns, and other necessary information needed by the RPOA-IUU to assess illegal harvesting hot spots.
4. The RPOA-IUU should take a proactive role in fostering cross-community capacity building and engagement initiatives, collaborating with the successful Jaga Dilaut Sea Patrol formed by the outlier community spoken about in Section 3.3.2.3 of this report. This would enhance the creation and capabilities of local sea patrols in effectively deterring illegal fishing activities.

#### 4.1.3 ASEAN SECRETARIAT

The ASEAN Secretariat can play a crucial role in improving the livelihoods and well-being of marginalized, indigenous SSF fishing communities while contributing to the sustainable management of fisheries resources in the region (The Association of Southeast Asian Nations Secretariat 2020). Through their main body and their ASEAN Sectoral Working Group on Fisheries (ASWGFi) they can advocate inclusive policies on and off the water, provide capacity building, support the implementation of social welfare programs, emphasize environmental conservation, offer legal support, and help to preserve cultural heritage.

1. ASWGFi should support efforts to train a culture of conservation within these communities by supporting awareness raising campaigns to address the ongoing issues related to illegal fishing and its detrimental consequences.
2. The ASEAN Secretariat, in collaboration with USAID, NGOs, and local partners, should establish and operationalize a cultural center hub within the insular Sama community, reported in Section 3.3.2.3 of this report, that has successfully enforced fishery laws and can serve as a model for other communities. The aim of this cultural center hub would be to preserve traditional knowledge, facilitate cross-community capacity building, and foster communal information sharing. This cultural center hub would leverage the opportunity offered by this community and provide a space for empowering Sama communities through communal information sharing regarding developmental challenges and successes while also securing traditional knowledge and delivering the benefits of motivation and inspiration from a similar community. The genesis of this cultural center hub would aid conservation efforts, IUU fishing prevention, capacity building, and help to maintain cultural heritage.

#### 4.1.4 IOM

The UN International Organization for Migration (IOM) has a strong presence in the Philippines (United Nations International Organization for Migration n.d.b). Its mandate recognizes that migration is inevitable and can be harnessed for building a strong society. The IOM has immense coverage throughout the BARMM. With their focus and presence, they are uniquely positioned to:

1. Assist meeting the growing operational challenges of migration management. Under their country mission, the IOM can support building capacity at the DSWD - as its co-lead agency in the Camp Coordination and Camp Management (CCCM) Cluster for internally displaced persons (IDPs) - in its registration of Stateless peoples and oversight on the dissemination of social welfare programs.
2. Partner with USAID on climate adaptation measures in these indigenous SSF communities as risk prevention for future climate refugees as part of their Disaster Preparedness and Climate Change and Sustainability efforts.
3. Work with LGUs in the BARMM to create and facilitate awareness campaigns regarding current human trafficking schemes as part of its Migrant Protection and Assistance program.

#### 4.1.5 USAID

The U.S. Agency for International Development (USAID) can support the work of the Philippine Government to build capacity in government agencies and programs that the national government has already initiated - like the NCIP or PhilSys system. In addition, USAID can conduct applied research for new program development and then coordinate between local NGOs and the government to supply the resources for implementing these new development programs aimed at building capacity within the socially excluded SSF communities including, but not limited to:

1. Building a cultural center hub in collaboration with the ASEAN Secretariat, NGOs and other local partners within the insular Sama community that has successfully enforced fishery laws and can serve as a model for other communities, as reported in Section 3.3.2.3 of this report. The aim of this cultural center hub would be to preserve traditional knowledge, facilitate cross-community capacity building, and foster communal information sharing. This cultural center hub would leverage the opportunity offered by this community and provide a space for empowering Sama communities through communal information sharing regarding developmental challenges and successes while also securing traditional knowledge and delivering the benefits of motivation and inspiration from a similar community. The genesis of this cultural center hub would aid conservation efforts, IUU fishing prevention, capacity building, and help to maintain cultural heritage.
2. In conjunction with BFAR, USAID can supply the technology and training needed for electronic catch documentation, fish finders, and weather forecast dissemination. Specifically for electronic catch documentation, USAID and BFAR can expand the eCDT systems already piloted by the U.S. Agency for International Development Oceans and Fisheries Partnership (USAID Oceans) and BFAR for accurate reporting of their catch through this digital and centralized system (Pomeroy, Parks, and Green 2019).
3. Support the work of BARMM's Bangsamoro Barter Trade Council (BBTC) by mapping the network of informal trans-border trade routes and the goods being smuggled across. Then identify the hot spots of illegal marine wildlife trafficking for designing a counter wildlife trafficking plan that would also support the regional work of RPOA-IUU.

4. Encourage LGUs to establish post-processing facilities with refrigeration and provide the funding necessary to build such facilities while identifying long-term funding options to sustain these facilities. This would benefit fisherfolk and fish stocks as the fisherfolk would be able to preserve catch that is not immediately sold, instead of unloading it for minimal prices or for free. This would provide a better price for the catch as the catch does not have to be unloaded by the end of the day. Additionally, when the catch is not sold-out, the refrigeration would alleviate the need for fisherfolk to go out and catch more of the same the next day and could potentially decrease fishing pressure.
5. Determine the impact of ocean pollution on public health and fish habitat in the region. Then support LGUs in building the necessary infrastructure for a comprehensive waste management plan.

## 4.2 NATIONAL RECOMMENDATIONS

There are multiple opportunities to build strength and resilience in these marginalized, indigenous SSF communities. By leveraging established international and regional partnerships, as well as the missions of local NGOs and other stakeholders, the government of the Republic of the Philippines can bolster the implementation of their own laws and Constitution while elevating underserved communities towards self-reliance.

### 4.2.1 PHILIPPINE FEDERAL GOVERNMENT

The Philippine’s federal government bears responsibility for all people within its territory - Stateless or not (The Office of the United Nations High Commissioner for Human Rights 2011). Within the Philippine’s federal governance structure there are agencies and mandates that support the rights of indigenous peoples. However, there is a lack of capacity to ensure national laws and policies are enforced. There is potential for collaboration between agency and department working groups that could streamline channels of effort and conserve on resource allocation. Some suggestions towards this include:

1. Mandate and allocate resources for a working group at the National Commission on Indigenous Peoples (NCIP) to work with indigenous SSF towards establishing their marine tenure rights and ensuring a Certificate of Ancestral Domain Title (CADT). Such a mandate should include working with a representative from the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) who mirrors this responsibility in the BARMM jurisdiction.
2. Mandate domestic fisheries fora, such as Municipal Fisheries and Aquatic Resources Management Councils (MFARMCs) and the national Bureau of Fisheries and Aquatic Resources (BFAR), to include participants from the indigenous SSF communities in a meaningful way - and not simply as a formality - with provision of an adequate definition of “meaningful” for each Fisheries and Aquatic Resources Management Council (FARMC). For example, in some FARMCs “meaningful” could be a vote share percentage representative of the community’s population in the municipality. In other communities it might mean giving preferential treatment with regards to some decisions.

To do this, these agencies can call on the sections of existing legal instruments such as the Fisheries Code of 1998, the LGC, and the Philippine Constitution that have regards to indigenous rights (Food and Agriculture Organization of the United Nations n.d.b; Pomeroy and Courtney 2018). Then, allocate and provide funding for a daily wage and travel costs to fisherfolk who participate in domestic, regional, or international fisheries management meetings.

3. Offer business sales and marketing training to indigenous SSF communities through the Department of Trade and Industry in collaboration with BFAR. Include networking opportunities between fisherfolk and larger markets/direct buyers for scaling up when sustainable harvest yields allow it, especially with regards to seaweed farms.
4. Mandate the Department of Trade and Industry to create training programs for all port officials (air, land, and sea) empowering their ability to identify and stop trafficking of illegal maritime species.
5. Develop and operationalize home visits by a PhilSys representative with a remote method for completing PhilSys registrations of those who are unable to make it to the registration centers. Then work with Local Government Units (LGUs), Department of Social Welfare and Development (DSWD,) and the NCIP to facilitate the necessary home visits.

#### 4.2.2 BFAR

The Department of Agriculture’s Bureau of Fisheries and Aquatic Resources (BFAR) is responsible for overseeing proper integration of the Fisheries Code of 1998 and securing the Philippine’s fisheries sector (Bureau of Fisheries and Aquatic Resources n.d.). To this end, BFAR could benefit these indigenous SSF populations by addressing the following:

1. Examine the legal definition of small-scale commercial fisher and consider altering it to include social context and not just vessel size. Resulting definitions and fisher categorizations should take into account the needs of indigenous small-scale fishers and protect their access to fish in municipal waters, instead of preventing this access.
2. Initiate oversight due diligence of the programs and rules established by local MFARMCs in conjunction with LGUs, with the intention of identifying barriers to the local small-scale fishers. Through this oversight, create legal minimums that must be adhered to for incorporating the voice of the socially excluded SSF and assist the national governments dispense of daily wages to those SFF who participate in fisheries management meetings. Mandating this oversight is in line with the LGC Section 2 (b) that mandates the “State to ensure the accountability of local government units through the institution of effective mechanisms of recall, initiative and referendum” (Republic of the Philippines 1991, Section 2(b)).
3. Assess the impact of policy changes permitting the socially excluded SSF to hunt their traditional prey, using their traditional methods, and in their traditional locations. Potentially, much like the Marine Mammal Protection Act in the USA, allowances through special permitting schemes would enable indigenous peoples to practice traditional hunting methods without negatively impacting the species (NOAA Fisheries 2023).
4. Review previous BFAR fisheries development projects implemented in each socially excluded SSF community, specifically to identify any unintended consequences or resource waste. For example, one community was grateful for the vessels provided by the BFAR, however they have no capital to buy fuel or perform the required maintenance for these vessels. Therefore, the vessels just sit unused and uncared for, wasting this BFAR resource allocation. Finally, utilizing this feedback, the BFAR can create a best practices guide and apply any modifications necessary to current and future projects in order to execute a more holistic approach.
5. As Section 17 of the Amended Fisheries Code of 1998, RA 10654, gives priority to locally registered fisher organizations, BFAR should support LGUs in completing registration of all local fishers (Republic of the Philippines 2015). Additionally, BFAR could work with the



Philippine Statistics Authority (PSA) to streamline integrating this registration through the PhilSys digital registration program (Republic of the Philippines n.d.d).

### 4.2.3 NCIP AND DSWD

The National Commission on Indigenous Peoples (NCIP) and the Department of Social Welfare and Development (DSWD) are both concerned with the welfare of indigenous, poverty-stricken communities. In collaboration they should design and implement:

1. Education initiatives, like building schools and training teachers, that offer complete primary and secondary educational access. These programs should support educational access by providing families the means necessary to allow their children to attend school instead of needing them home to help with the family chores or business.
2. Alternative livelihood training programs unique to each community's available employment markets.
3. A community outreach coordinator position to aid communities specifically in navigating the bureaucracy of inclusive legal instruments. This position's community responsibilities would include, but not be limited to: 1) ensuring national registration of all residents by identifying and arranging necessary home visits from the PhilSys national identity registration program; 2) provide necessary knowledge and support through the hurdles of successfully applying for a CADT, and 3) provide quarterly reviews with regards to equal distribution of social welfare services like 4Ps. This position would essentially be an advocate for the community to ensure all rights afforded to them in the Philippine Constitution, the Indigenous People's Rights Act, and any other administrative orders with respect to indigenous rights - like The Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands of 2012.
4. As religion plays a role in adoption of policies. Use religion to articulate and advocate the importance of citizenship, equity, tenure rights, and conservation policies.

### 4.2.4 BARMM

The Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) is a young government with many competing priorities whose work could benefit from the support of local NGOs and international partners alike. To build security in their jurisdiction for their residents, they should:

1. Encourage participation of Sama communities in the on-going national PhilSys registration, as other BARMM citizens have, by coordinating a PhilSys team to travel safely to their Barangays, and homes if necessary, to provide remote registry access to the elderly, PWDs and other communities who find it too difficult to go to registry centers.
2. Invite Sama SSF communities to participate on the Bangsamoro Barter Trade Council (BBTC) as they design the latest regulations to formalize the informal barter trade between the Sulu Archipelago and Sabah, Malaysia.
3. Interrogate the current status of the *Taoke* and *Partida* debt systems in areas of violent conflict to evaluate the existence of egregious human rights violations and the potential to identify any supply points in the region for human trafficking, or other human rights violations.
4. Investigate the extent of corruption at MAFAR and within LGUs that may delay equitable fisheries development or impede enforcement.

#### 4.2.5 LGU

Local Government Units (LGUs) have much responsibility regarding the management of natural resources within the municipality devolved to them through the Local Government Code (LGC) of 1991, from the coastlines their responsibility extends seaward 15 kilometers (Republic of the Philippines 1991). However, this increased responsibility came without the allocation of enough resources to aid in effective management. The vast amount of work of LGUs should be supported by other partners discussed in these recommendations. On their own they could initiate the following programs:

1. Support MFARMCs in the provision of hard copies of fisheries laws accompanied by annual trainings in the local dialect including visual aids for the illiterate. Have one focus within this training specifically dedicated to raising awareness regarding protected species, why they are protected and what the penalties are for harvesting protected species.
2. Create, facilitate, and raise awareness and support for a community waste management plan.
3. Work with Philippine's Department of Information, Communication, and Technology (DICT) to acquire stable, and potentially free, internet for these marginalized SSF communities.

#### 4.2.6 LOCAL NGO AND ACADEMIC PARTNERS

Local NGOs and universities are important to collaborate with as they are often the most up-to-date knowledge sources on the ground. As concerned and invested parties they have genuine interest in developing, and representing the needs of, marginalized communities. Many organizations have a foundational presence in the Western Philippines and work on education and livelihood initiatives. By working together, in partnership with international government partners like USAID, ASEAN Secretariat, and IOM they can expand their work and better support the work of the international community effectively to:

1. Develop alternative livelihood programs in every SSF community.
2. Build schools and train teachers within the community as part of the alternative livelihood program.
3. Support DSWD and NCIP with implementation of a community outreach advocate position.

## 5. CONCLUSION

Socially excluded, and sometimes Stateless small-scale fisherfolk communities in the Western Philippines face a myriad of ecosystemic challenges in congruence with many of the SSF communities in the Indo-Pacific region as identified in the USAID GESI Analysis (U.S. Agency for International Development 2021). These challenges encompass navigating the environmental impacts of climate change, addressing issues of illegal and overfishing, and managing state territorial disputes alongside the presence of organized illicit activities. The conditions of Statelessness and social exclusion add additional layers of burden and require consideration when looking to develop and secure at-risk communities, building towards a free and open Indo-Pacific. Understanding how the conditions of Statelessness and social exclusion proliferate in small-scale fisherfolk communities, affecting their choices and determining their interactions with looming maritime security threats, is vital to sustainable development of the region. Targeting the needs and concerns of these communities while cultivating opportunities for these socially excluded SSF to be engaged with the decision-making processes affecting their lives, will propagate effective solutions to the diverse set of challenges they experience daily. Enabling solutions they desire will secure their participation as long-term sustainable partners in the region. Biodiversity, food security, and other areas of national and regional security interest can be elevated by development organizations successfully partnering with, and empowering, these communities in alliance with the Philippine government and in alignment with their existing domestic governance structures.

To build familiarity with the needs, concerns and opportunities to engage and empower the socially excluded SSF communities in the Western Philippines, this investigation used key informant interviews and focus group discussions with these communities and other stakeholders interested in securing their development. Academics, government agencies, and NGOs were called on for background to target, and to triangulate findings and review plausible recommendations applicable towards marginalized SSF communities that are dependent on the ocean. Information collected explored six key questions:

- What is the magnitude of Statelessness within Western Philippines SSF communities, and how do the added social obstacles from this condition affect their security?
- Is there interaction between the PRC militia, or any other foreign, fishing fleet with these SSF communities?
- What is the extent of illegal marine species harvest and trafficking through these SSF communities experiencing limited income options?
- Are there illicit activity networks that prey on these communities?
- What are the key issues and concerns affecting the way of life for these socially excluded SSF?
- What is the best approach to build resilience and capacity within these communities, decreasing the attractiveness of illicit activity while increasing their basic human security?

Acknowledging that areas prone to violent conflict were not studied, and should be for a full assessment, and the inherent limitations from translator dependence and avoiding more dangerous communities, key findings of this investigation include low levels of Statelessness, no observed or reported foreign industrial fishing fleet encroachment nor any reported interactions between these marginalized SSF and organized criminal networks, and high levels of illegal marine wildlife trafficking. Additionally, these underrepresented SSF communities are increasingly more concerned about observed encroachment from domestic commercial fleets throughout the Western Philippines.

Furthermore, even though there were no reported or observed instances of foreign fleet encroachment, the potential presence and encroachment of such fleets remain a significant concern for these communities. While the Sama and other socially excluded SSF communities consulted in this Western Philippines case study did not disclose any substantial interactions or conflicts with the People's Republic of China (PRC) maritime militia or commercial fishing fleets, various reports in

popular media and academic research suggest that such interactions occur more frequently between such PRC fleets and regional commercial fishing vessels operating further offshore than where most Sama and SSF communities are located. It is worth considering that key informants may have been reluctant to discuss these sensitivities due to concerns about potential retaliation.

Findings did also indicate systematic methods of social exclusion that disenfranchise these SSF communities. However, the social exclusion methods in the Western Philippines come from a place of ethnic discrimination and not the condition of Statelessness. Interestingly, findings of this investigation suggest the socially excluded SSF communities of the Western Philippines have similar needs and concerns as other SSF communities within the region. This should not be surprising when considering low levels of Statelessness were reported - except in the locations suffering from recent violent conflict where data was limited and unreliable - and Statelessness was usually tied to certain individuals unable to make it to the PhilSys registry centers versus full communities suffering the condition of Statelessness. This difference is important to note because if 80-90 percent of your community is registered, then Statelessness is not the obstacle your community has to overcome in accessing communal initiatives towards better education and healthcare, or requesting tenure rights. It would be helpful, and would advance the USAID GIDAP, to conduct similar fieldwork in Sabah, Malaysia and North Sulawesi, Indonesia to further understand if Statelessness proliferates in the same manner across the region (U.S. Agency for International Development 2022).

The largest two differences between Sama and non-Sama communities included a focus on securing tenure rights (non-Sama), and the existence of a culture of conflict avoidance (Sama). Sama, traditionally a sea-faring nomadic people, are more focused on survival and peace than gaining rights to isolated parcels of land, especially considering they historically view the whole seascape as their ancestral domain. Whereas the non-Sama communities in the Palawan Province have been attached to their land for long periods of time, sometimes since “time immemorial”, and desire the stability that a legally recognized claim on said land would bring.

Findings also illuminate opportunities for engaging and empowering these communities in a way that would benefit the health of the fisheries, biodiversity conservation, and the overarching economic needs for these communities - adding to the stabilization of the region as a whole. These fishers welcome capacity building measures towards sustaining their fishing livelihood while also diversifying their livelihood opportunities as food and income derived from most of these fisheries has been steadily decreasing over recent decades. Access to healthy fisheries and traditional fishing grounds, basic education, and climate change adaptation measures are top priorities for these socially excluded, marginalized, small-scale fisherfolk. Sama communities prioritize issues affecting their daily survival, while non-Sama communities additionally prioritize cultivating the long-term health of their ecosystem and securing tenure rights.

Further for consideration is that internet access is poor in the majority of these communities. Developing reliable internet in these excluded communities would bolster their health, safety and overall growth and participation in societies that decide their future. With stable internet connection comes an increase in educational attainment, alternative livelihood and small-business development, and information dissemination with regards to weather forecasts and other health and safety hazards. Additionally, internet access would provide a vehicle for supplying the sustainable fisheries management community with the data needed, like catch numbers logged through an electronic catch documentation and traceability (eCDT) systems, to build awareness and make appropriate management decisions.

The indigenous SSF communities of the Western Philippines must be empowered and engaged in order to meet the intersectional, and often competing, demands of food and human security balanced with environmental protections and economic growth. Transitioning these communities to sustainable fisheries practices and alternative livelihoods will require incorporating traditional knowledge and values, while building resilience, in order to secure adoption of new policies and

successful outcomes for the future (Schwarz et al. 2017). Empowering their ability to transition requires building their capacity in a few areas: 1) application of sustainable fishing practices and supportive technologies, 2) skills useful for alternative livelihoods to alleviate fishing pressure on fish stocks and provide income channels during fishing closures and inclement weather, and 3) inclusive governance to empower these socially excluded, indigenous SSF.

Furthermore, the establishment of a cultural center hub aimed at cross-community engagement and capacity building would serve to empower Sama communities by preserving traditional knowledge and practices, offering training in safe navigation skills, and promoting sustainable fishing practices. Moreover, by drawing inspiration from their counterparts at this hub, other Sama communities may gain the confidence to establish their own efficient sea patrols, encourage legal fishing practices, and bolster enforcement efforts to deter illegal fishers from their fishing grounds. It is recommended that this cultural center hub for cross-community engagement be situated in a Sama community already demonstrating success in apprehending illegal fishers, such as Lawum Barangay on Tabawan Island.

The Republic of the Philippines' Constitution and other national laws and policies create a framework for acknowledging and promoting indigenous cultures. However, our findings suggest that these laws and policies are not being implemented well and are largely ineffective in SSF communities in the Western Philippines. The specific factors contributing to this ineffectiveness may vary by site, but a common thread is the government agencies' insufficient capacity and instances of racial and cultural discrimination within certain government factions and heterogeneous communities that sincerely believe their socially excluded SSF neighbors have no aspirations beyond basic sustenance, like fish and rice.

The insights obtained from this case study in the Western Philippines should be further expanded upon by conducting similar investigations in different Indo-Pacific sub-regions, such as Eastern Sabah, Malaysia, and in Northern Sulawesi and the eastern islands of Indonesia to advance the USAID GIDAP (U.S. Agency for International Development 2022). Additional investigations will help triangulate findings, enrich the regional context, and enhance understanding to better facilitate productive engagement, empowerment, and partnership with socially excluded SSF towards securing sustainable fishing practices and a free and open Indo-Pacific.

## 6. APPENDICES

### 6.1 APPENDIX A - DETAILS REGARDING THE SAMA PEOPLES

Who are the Sama? Considered by some to be the ‘true people of the sea’ (Lorimer and Millard 2015), they have built their lives on, and around, the sea as boat-dwelling migratory fisherfolk, pearl divers, and boat builders (Hoogervorst 2012). Origin stories vary from mythological stories to recorded history, some believe the Sama to have occupied the Sulu Archipelago of the Philippines as far back as 500 CE (Klein 2023), being originally from the south-western part of Mindanao (Kazufumi 2010) and then migrating towards Borneo and further south and east during Dutch colonialism of the 17th century (Klein 2023). Others oppose this idea and believe they originated off the Southeast end of the Malay Peninsula and migrated up the western coast of Borneo to the Sulu Archipelago between the 14th and 17th centuries (Kazufumi 2010). In either case, there is no dispute that they are the original stewards of the Sulu Sulawesi Seascape.

Today, they occupy parts of the Philippines, Eastern Indonesia, and Sabah, Malaysia (Stacey et al. 2018) but the exact spread of their diaspora is perplexing to identify due to problematic issues of orthography (Schroeder 2018), varying notions of sameness and difference typology characteristics, and complications with the traditional definition of ‘diaspora’ implying they are a peoples who no longer live in their homeland, and yet the Sama view the whole region as their fluid homeland (Maglana 2016). However, setting aside the complexities in defining their diaspora, they are widely recognized to have the most extensive spread of any indigenous population in Southeast Asia (Maglana 2016).

The Sama have tremendous traditional sea-faring knowledge including their surrounding seascape’s geography, currents, weather patterns, locations of safe shoals and productive reefs, (Stacey et al. 2018; Hoogervorst 2012; Maglana 2016) and fishery characteristics (Stacey et al. 2018). They are expert free-divers as using spearguns and harpoons have been some of their main traditional hunting practices for thousands of years. There have been breath-holding records reported for up to 13 minutes while diving to 200 feet of depth (Gibbens 2018) made possible by evolution. Medical researchers have identified genetic differences as supporting evidence of evolution, chief among these genetic evolutions is that Sama have spleens 50 percent larger than your average person’s (Ilardo et al. 2018).

The Sama of the Western Philippines are a vulnerable population. They are widely recognized at the bottom of the socio-economic hierarchy (Stacey et al. 2018; Hoogervorst 2012; Brunt 2013; Ismail 2018; Maglana 2016; Abelgas et al. 2019) throughout the nation. They live in extreme poverty, are largely considered social outcasts (Ismail 2018; Brunt 2013; Hoogervorst 2012) and are believed to lack access to full political participation due to discrimination against their ethnicity (Brunt 2013; Hoogervorst 2012). This qualifies them as a marginalized<sup>3</sup>, underrepresented, and an at-risk group according to the USAID’s IDA (Cotton et al. 2018). If they are Stateless, additional challenges may

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<sup>3</sup> USAID’s IDA definition of “Marginalized Groups” is: “People who are typically denied access to legal protection or social and economic participation and programs (i.e., police protection, political participation, access to healthcare, education, employment), whether in practice or in principle, for historical, cultural, political, and/or other contextual reasons. Such groups may include, but are not limited to, women and girls, persons with disabilities, LGBTI people, displaced persons, migrants, indigenous individuals and communities, youth and the elderly, religious minorities, ethnic minorities, people in lower castes, and people of diverse economic class and political opinions. These groups often suffer from discrimination in the application of laws and policy and/or access to resources, services, and social protection, and may be subject to persecution, harassment, and/or violence. They may also be described as ‘underrepresented,’ ‘at-risk,’ or ‘vulnerable.’” (Cotton et al. 2018, 2)

arise. According to Brunt, those challenges include “difficulty proving their identity, and obstacles such as accessing education and affordable healthcare, fear of arrest and detention, issues of tenure and abode, restricted mobility and limited livelihood options” (2013, 29). Destitute and unable to feed themselves, some have relocated to the cities to beg (Stacey et al. 2018; Stone 1962; Abeltgas et al. 2019).

The Sama’s “fluid maritime way of life” (Stacey et al. 2018, 100) has both positive and negative attributes when confronting their challenges. On the positive side, they are resourceful, resilient, and adaptable peoples who are at-sea experts due to their fluidity (Stacey et al. 2018). On the other hand, their social exclusion exposes them to the threats of the region - from the effects of climate change and illegal and overfishing to State and non-State territorial conflicts - more than their socially included neighbors (Stacey et al. 2018).

For as much as these intriguing peoples have been studied, it remains poorly understood the quantity of Sama in the Western Philippines who are Stateless versus registered citizens, boat-dwellers versus sedentary, fisherfolk versus involved in alternative livelihoods, and whether or not they interact with the foreign fleets or transnational organized crime organizations that pilfer the area. It is known that numerous stints of increased violent conflict in the Sulu archipelago since the 1970s has caused various migrations of these peoples from settled locations in search of safe havens elsewhere (Brunt 2013). Migrating between countries, islands and reefs in the Sulu Sulawesi Seascape, while operating on the open-sea with expert navigation and fishing skills, provides this community the potential for unique access, and exposure, to the maritime security interests of the Western Philippines.

To learn and engage with the Sama, understanding the various sub identities is key. Due to the expansive nature, and what Stacey et al. refers to as the Sama’s “fluid maritime way of life” (2018, 100), their governance is not centralized. They live instead in smaller subgroups (Klein 2023) with each community developing their sub identity uniquely, influenced by their need to adapt with the culture and language of their closest neighbors (Maglana 2016). As such, the Sama have gone through many iterations of ethnogenesis, forming distinct notions of identity (Maglana 2016). At the same time, again due to their fluidity, there is not a standard adoption or agreement amongst themselves of these distinct typologies, nor their orthography (Maglana 2016; Schroeder 2018). They may even self-designate their identity simply as the place of their origin, either with or without the word Sama in front, e.g., Sama Sitangkai for a Sama from Sitangkai Island (Maglana 2016; Schroeder 2018). Table 5 presents some of the most common sub identities used throughout the literature and by the Filipino people at large. As Maglana (2016, 73) explains, labeling this diverse group of peoples by simply the term “Sama-Bajau,’... is a label of convenience.”

Table 5: A presentation of different orthography and typologies of the various Sama sub identities seen widely throughout the literature, and used by the Filipino people. This table should not be interpreted as exhaustive or complete (Maglana 2016; Schroeder 2018; Stone 1962; Klein 2023; Brunt 2013; Stacey et al. 2018; Hoogervorst 2012; Ismail 2018; Abelgas et al. 2019; Gibbens 2018; Kazufumi 2010).

Autonym	Exonym
Sama or Samal	Bajau, Bajao, Badjaw, Badjao, Bajo
	Dilaut
	Lepa
	Pala'au
	Deya, Deleya, Dea, Darat
	<u>Place of Origin</u>
	Empty Space, simply 'Sama'
Bajau, Bajao, Badjaw, Badjao, or Bajo	Dilaut
	Laut
	Empty Space, simply 'Bajau'
Sea	Gypsy, Nomad

This report's decision to refer to these peoples collectively as 'Sama' is due to the complications arising from lack of agreement in typologies and orthography issues caused by the Sama peoples unique subgroup's insular cultures, mis-identification caused by outsider discriminatory assumptions (Maglana 2016), and this investigation's interest in assessing the status of all Sama peoples in the Western Philippines. In appraising their status, this investigation will note any status differentials between subgroups specific to, or caused by, their typology if applicable.



## 6.2 APPENDIX B - PHILIPPINE LAWS AND POLICIES REGARDING INDIGENOUS SSF

Table 6: Philippine Government laws and policies that create a legal framework to support indigenous small-scale fisherfolk.

Supportive IP Partner	Supportive Relation to IPs	Law or Policy	Year Implemented	Reference
IPs Social Welfare:				
DSWD	Distributes of the 4Ps welfare through the DSWD	Pantawid Pamilyang Pilipino Program Act: RA 11310	2019	(Republic of the Philippines n.d.c)
PSA	Creates a digitized, single national identification system for all citizens and residents for “simplifying public and private transactions”	Philippine Identification System Act: RA 11055	2018	(Republic of the Philippines n.d.e)
IPs Rights to Tenure:				
Republic of Philippines National Government	Guaranteed rights to ancestral lands	Philippine Constitution	1987	(Pomeroy and Courtney 2018)
Republic of Philippines National Government	Recognizes ancestral rights to protected areas and mandates their management be done in collaborations with the indigenous peoples of said area	Act providing for the establishment and management of National Integrated Protected Areas System (NIPAS): RA 7586	1992	(Pomeroy and Courtney 2018)
DENR	Rights to resource management and use of ancestral lands	Certificate of Ancestral Domain Claim (CADC): DENR AO 2	1993	(Pomeroy and Courtney 2018)
NCIP	Establishment of the NCIP	Indigenous People’s Rights Act: RA 8371	1997	(Republic of the Philippines n.d.b)

Supportive IP Partner	Supportive Relation to IPs	Law or Policy	Year Implemented	Reference
NCIP	Processes CADT and converts CADC to CADTs	The Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands of 2012: NCIP AO 4	2012	(Republic of the Philippines 2012)
IPs Fishery Management Rights:				
BFAR	Responsible for all national fisheries laws and policies, reconstituting into a bureau under the Department of Agriculture	Fisheries Code of 1998: RA 8550	1998	(Bureau of Fisheries and Aquatic Resources n.d.)
LGU	Resource management and environmental protections within municipal waters - shoreline to 15 kilometers	Local Government Code: RA 7160	1991	(Pomeroy and Courtney 2018)
LGU	Provides fishery privileges to marginal fisher organizations	LGC: Section 149	1991	(Pomeroy and Courtney 2018)
LGU	Allows LGUs and people's organizations to collaborate	LGC: Section 35	1991	(Pomeroy and Courtney 2018; Republic of the Philippines 1991)
BFAR and LGU	Mandates the national authority of the State to conduct oversight to ensure LGU accountability	LGC: Section 2 (b)	1991	(Republic of the Philippines 1991)

Supportive IP Partner	Supportive Relation to IPs	Law or Policy	Year Implemented	Reference
BFAR, LGU and stakeholders	Mandates national agency to consult with coastal management stakeholders periodically before the discharge of any project or program	LGC: Section 2 (c)	1991	(Pomeroy and Courtney 2018; Republic of the Philippines 1991)
LGU	Provides details on how the LGC can be applied in municipal waters	Fisheries Code of 1998: RA 8550	1998	(Pomeroy and Courtney 2018)
BFAR and LGU and public stakeholders	Establishes Fisheries and Aquatic Resources Management Councils (FARMCs)	Fisheries Code of 1998: RA 8550 - Chapter 3	1998	(Food and Agriculture Organization of the United Nations n.d.b)
FARMCs and public stakeholders	Mandates (FARMCs) to carry out fisheries management program's planning and execution in coordination between LGUs and the public	An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Amending RA 8550: RA 10654	2015	(Pomeroy and Courtney 2018)
LGUs, BFAR, FARMCs	Prioritizes the rights of registered local fisher organizations and cooperatives in municipal waters over outside fishers and makes it entirely illegal for commercial fishing to take place in municipal waters (Republic of the Philippines 2015)	RA 10654: Section 17	2015	(Pomeroy and Courtney 2018; Republic of the Philippines 2015)

Supportive IP Partner	Supportive Relation to IPs	Law or Policy	Year Implemented	Reference
Bantay Dagat	Participatory approach to enforcing Philippines fishery and environmental laws.	Fisheries Code of 1998, RA 8550, as amended by RA 10654  LGC: RA 7610  Philippines Constitution	1998  1991  1987	(U.S. Agency for International Development 2016)
Other:				
BARMM	The Sulu Archipelago falls under the jurisdiction of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), established in 2019	An Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, Repealing for the Purpose Republic Act No. 6734, Entitled An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao," As Amended by Republic Act No. 9054, Entitled "An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao - Republic Act No. 11054: RA 11054	2019	(Republic of the Philippines 2018a)

Supportive IP Partner	Supportive Relation to IPs	Law or Policy	Year Implemented	Reference
MAFAR	Ministry of Agriculture, Fisheries and Agrarian Reform (MAFAR) is responsible for carrying out all laws and policies with relation to fisheries management in the BARMM and assist LGUs with conservation measures in municipal waters	Bangsamoro Administrative Code: Bangsamoro Autonomy Act No. 13	2019	(Republic of the Philippines n.d.a; Mitmug Jr. 2021)

## 6.3 APPENDIX C - RESEARCH DESIGN METHODOLOGIES AND RATIONALE

### 6.3.1 RATIONALE BEHIND KEY QUESTIONS

The interwoven role small-scale fisherfolk communities play within the security fabric of the Western Philippines is not well understood, yet has high potential to either boost, or mitigate, the risks of the region. Identifying themes pertaining to how their presence affects and is affected by the seascape, how their culture interplays with their decision-making, and what position they desire to play in society aids strategic, stable development planning that can be actualized in the Indo-Pacific region.

#### **6.3.1.1 WHAT IS THE MAGNITUDE OF STATELESSNESS WITHIN WESTERN PHILIPPINES SSF COMMUNITIES, AND HOW DO THE ADDED SOCIAL OBSTACLES FROM THIS CONDITION AFFECT THEIR SECURITY?**

The challenge of Statelessness is that by its very definition the people it regards are not registered anywhere. This makes it difficult to determine their quantities and locations, let alone their other social and environmental needs and security risks. The first step incorporating them in development is to identify them. Then learn their unique needs and identify any opportunities to partner with them towards sustainable fisheries development and strengthening their overall security in a way that increases stability within the region.

#### **6.3.1.2 IS THERE INTERACTION BETWEEN THE PRC MILITIA, OR ANY OTHER FOREIGN, FISHING FLEET WITH THESE SSF COMMUNITIES?**

Stateless and other socially excluded SSF interactions with foreign industrial fleets, including with the threatening presence of the Peoples' Republic of China militia fleet, are important to analyze for understanding possible regional networks and the competition, conflict or cooperation dynamics between industrial fishing fleets and underrepresented, at-risk SSF operating in the Western Philippines. Understanding how their culture plays into their decision-making with regards to possible interactions with foreign fleets will give deeper insight on how this risk might proliferate through the community.

#### **6.3.1.3 WHAT IS THE EXTENT OF ILLEGAL MARINE WILDLIFE TRAFFICKING THROUGH THESE SSF COMMUNITIES EXPERIENCING LIMITED INCOME OPTIONS?**

Species protected by CITES are known to be both wittingly and unwittingly harvested and sold within the region, sometimes across national borders. Learning more about these formal and informal networks can help support a development plan that seeks to conserve marine wildlife and protect the biodiversity of the Coral Triangle. Understanding how their culture plays into their decision-making with regards to possible interactions with illegal marine wildlife trafficking will give deeper insight to how this activity might proliferate through the community.

#### **6.3.1.4 ARE THERE ILLICIT ACTIVITY NETWORKS THAT PREY ON THESE COMMUNITIES?**

At-risk communities are often drawn to illicit activity as a means to economic security. With so many various kinds of illicit activity surrounding the underrepresented SSF IPs of the Western Philippines, identifying how these peoples engage, or are affected by, this activity is important to consider in designing a development plan to support their sustainable future.

#### **6.3.1.5 WHAT ARE THE KEY ISSUES AND CONCERNS AFFECTING THE WAY OF LIFE FOR THESE SOCIALLY EXCLUDED SSF?**

Learning the unique needs and identifying opportunities for engagement with underrepresented SSF in the Western Philippines requires familiarity with their demographics, culture, education and

economic levels and opportunities, how the effects of climate change manifest within their community, what discrimination they face, what governance participation is desired by them, how they currently fish, and what can be done to increase their sustainable fishing methods. To design an inclusive, effective development plan also requires learning what are their priority concerns.

#### **6.3.1.6 WHAT IS THE BEST APPROACH TO BUILD RESILIENCE AND CAPACITY WITHIN THESE COMMUNITIES, DECREASING THE ATTRACTIVENESS OF ILLICIT ACTIVITY WHILE INCREASING THEIR BASIC HUMAN SECURITY?**

Identifying opportunities for partnership with the socially excluded SSF communities of the Western Philippines will provide a framework for guiding a development plan between stakeholders. Understanding how their culture plays into their decision-making with regards to politics and government is important to identify and include in designing empowerment schemes. Being guided by their traditional knowledge and culture, and learning what capacity building they desire most, better focuses development design and implementation efforts while increasing the probability of community adoption and long-term success of the development mission for a stable, free and open, Indo-Pacific.

### **6.3.2 DATA COLLECTION**

Primary and secondary data collection methods were employed.

#### **6.3.2.1 SECONDARY DATA COLLECTION**

Reconnaissance was used to complete a desktop literature review, gathering background information and serving to catalog current perceptions with regards to the questions of this study. This furnished the creation of specific key assessment indicators and provided the framework for discovery through inquiry engagement. Additionally, the information learned was used to identify stakeholders and priority key informants. Sources used include academic journals, journalistic exposés, government and nongovernmental organization (NGO) reports and websites.

#### **6.3.2.2 PRIMARY DATA COLLECTION**

The semi-structured interview technique was utilized in key informant interviews (KII) and focus group discussions (FGD). Questions asked during this process acted to both verify the information learned through the desktop literature review and learn new insights and real-time positions from the most current, knowledgeable first-hand accounts. Researcher observation provided another channel of data collection and a useful tool for validating information.

Two subsets of stakeholder groups were questioned as key informants (KI). First, academics, government agencies, and NGOs were questioned through KIIs to identify the SSF IPs that fell in scope of this study and how best to engage with them directly. Second, the SSF IPs themselves were gathered for a FGD per community regarding their community's perceived perceptions regarding the questions of this investigation.

FGDs were held in 17 villages, or Barangays, stretching across the Western Philippines (Figure 2) with a specific focus on the Sulu Archipelago - where Statelessness is thought to thrive. Four villages identified as an ethnic group other than Sama. Data from five villages on Sulu Island were collected by hired researchers as those sites were deemed too dangerous for the primary research team to visit. The goal of each FGD was to have 2-4 fisherfolk, 1-2 women, and 1-2 youth, however this largely did not happen. Sometimes there were fewer people available, and other times the whole community wanted to come. In one case, women were not understood to be invited by the hired research team and did not come.

Statelessness inquiries asked for estimated percentages of people in the community that had no birth certificate, voter registration, and no national registration. Whether or not they were registered with the local LGU as fisherfolk did not go into the formula for determining citizenship.

The integrity of the information offered from KIs was continually evaluated to ensure data quality. When data offered from participants were questionable, unclear or of specific research interest, participants were further encouraged to expound on what they meant, often urged on by the researcher through further questions and visual aids such as maps and pictures gathered during observational data collection. This continued until the researchers were satisfied through participant verbal confirmation that they had ascertained the true nature of the content being shared.

The following tools were used to gather and corroborate data.

- 1) Smartphones for capturing pictures of observations
- 2) Computer for recording notes through KIs and FGDs
- 3) Two visual aids to help effective communication during FGDs (Figures 3 and 4)





Figure 2: A map of study sites.

How concerned are you about:

	Not Concerned	Somewhat Concerned	Concerned	Very Concerned
Climate Change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal Access to Fishing Grounds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overfishing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Illegal Fishing Encroachment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chinese Interactions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Foreign Vessels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Capacity Building	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Illicit/Smuggling Activity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Putting Food on your Table	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pollution of Fish Habitats	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Figure 3: A research aid listing various security concerns used with each community to identify priority and secondary concerns.

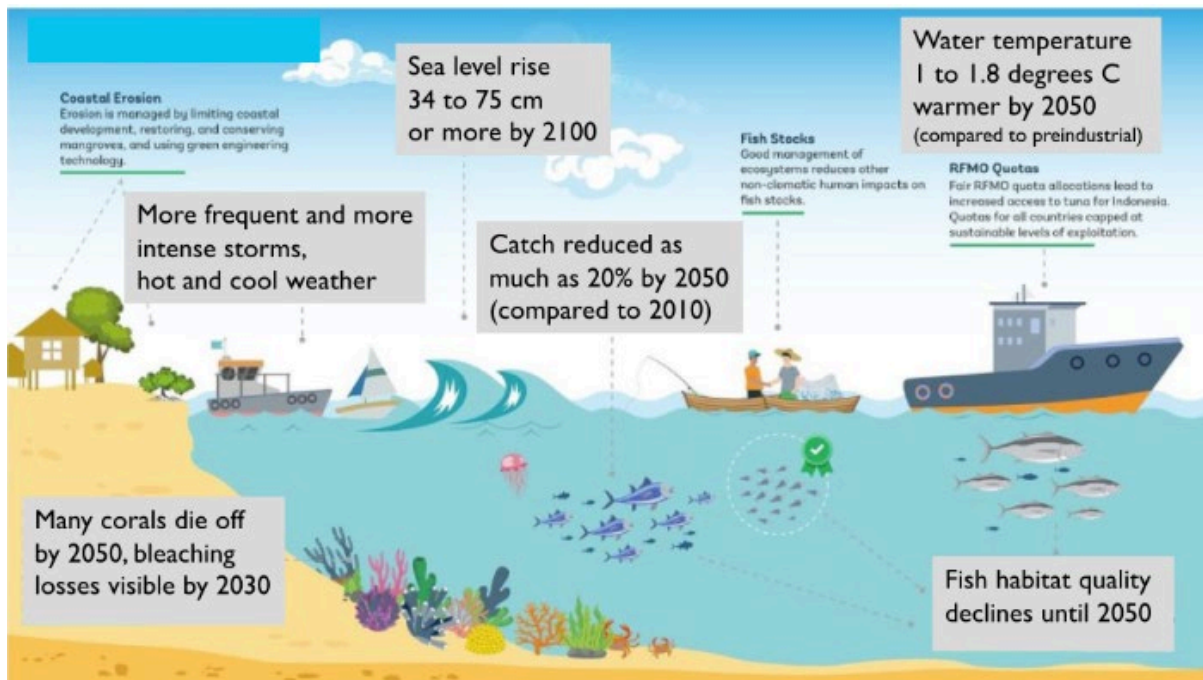


Figure 4: A picture of future climate change scenarios used to gather information about what climate change affects the communities were each concerned with most (adapted by Ms. Margot Stiles, Cheung, et al. Forthcoming).

### 6.3.3 DATA ANALYSIS

Key themes were identified through content review and discourse analysis applied to information learned through the desktop literature review, and KIIs and FGDs respectively. Information learned from each key informant was triangulated for authentication with data learned from other key informants, researcher observations and the desktop literature review. Regional experts were consulted regarding the identified themes, their implications, and in the formation of recommendations.

### 6.3.4 DATA LIMITATIONS

1. Data collection was exposed to the inherent limitations of language barriers and accurate renderings by translators of the content being shared. Accuracy of the translations could therefore be limited by dialect differences and vernacular, translator, and cultural bias.
2. FGDs were attended by mostly men. Concerns from a female perspective may be underreported.
3. Information learned from FGDs are a consequence of group think. The benefit was not leaning on one person's opinion that would introduce bias, but rather having a big picture for the community. However, this also limits KIIs from sharing sensitive information.
4. Site locations were limited by safety concerns for the researchers. Therefore, the sites chosen may not have been in close enough proximity to the more dangerous illicit activities, nor PRC fleet encroachment locations, to adequately assess all possible interactions between SSF IPs and illicit actors in the Western Philippines.
5. Sulu site locations' data were collected by an outside research group. Therefore, the information gathered for the Sulu Island locations has been exposed to a further layer of researcher bias.

## 6.4 APPENDIX D - ADDITIONAL CONSIDERATIONS WHEN ENGAGING WITH INDIGENOUS SSF IN THE WESTERN PHILIPPINES

### 6.4.1 SAMA SPECIFIC CULTURAL IMPLICATIONS

#### 6.4.1.1 CULTURE OF AVOIDANCE

Within the overarching Sama community, a culture of conflict avoidance plays a considerable role in life decisions including approaches to livelihood, desired capacity building, and whether or not to pick-up established communities and migrate. Avoiding conflict, the Sama do not stand-up for themselves and the social exclusion and marginalization they experience continues. This has also given the outsiders the wrongful impression that the Sama do not want anything more than fish and rice, and the furtherance of marginalization becomes a self-perpetuating cycle where the Sama's other needs and concerns are continuously overlooked.

The conflict avoidance culture affects many parts of their livelihood choices. For example, less desirable fishing areas or waiting to land their fish until after other fishers have finished unloading, have been chosen for conflict avoidance reasons and result in decreased fish quantities, quality and price. In addition, many Sama do not desire certain capacity building measures if it will attract negative attention from other fisher groups. For example, they do not want a FAD because it would invite conflict and require defending it from outsiders. This was something many of the Sama communities expressed unprompted by the researchers. Finally, many of the reasons for migration since World War Two have been to avoid violent conflict. The Sama's culture of conflict avoidance allows their marginalization to thrive.

#### 6.4.1.2 AN OUTLIER TO CONFLICT AVOIDANCE

One isolated Sama community is an outlier when it comes to conflict avoidance and social exclusion. The farthest from a main metropolitan area out of any of the site locations, and a homogenous Sama community, their society has developed without feeling the weight of daily discrimination. They are not hesitant about protecting their fishing grounds from outsiders. Unburdened with social exclusion challenges, the researchers observed they are visibly more confident and have operationalized their own ocean security patrol, having made successful apprehensions to hold illegal fishers accountable. This sea patrol agency is called Jaga Dilaut. Loosely translated, this means the "Guards of the Sea". This agency fell off the back of the national program, Bantay Dagat. In 2019, the Mayor at this study site location decided to revitalize the idea of Bantay Dagat by rebranding it in the local Sama language, calling it Jaga Dilaut. The Jaga Dilaut apprehend illegal outside fishers who encroach on their fishing ground and/or use destructive techniques. The Jaga Dilaut members owe the program's success to: 1) sea patrol positions are paid, not volunteer, 2) sea patrollers are fishers who take time away from fishing for their Jaga Dilaut duties, and 3) the patrol schedule is 5 random days a month where they will patrol three times a day, each time for about 3 hours.

The Jaga Dilaut efficacy is not the only benefit owing to a lack of discrimination. The lack of suffering due to marginalization from neighbors could be the explanation behind: 1) settlement security, allowing them to be sedentary in coastal stilt houses since "before Islam arrived" (Unnamed Sama Tabawan Fisherman, interview by author, Bongao, Tawitawi, Philippines, May 4, 2023), 2) sustaining the largest Sama community studied in this investigation, 3) experiencing larger numbers of graduates at primary, secondary, and tertiary levels, compared to other communities studied and 4) report more stable fishing operations inferred from reports of greater quantity of catch, a larger systematic distribution market, and their ability to invest in enough fuel to travel the farthest from their shoreline.

Notably, this was the only community who offered sharing traditional knowledge with the government in order to build capacity for others. With excitement and a 'glad to be of service'

attitude, they offered to exchange their traditional knowledge immediately when asked what kind of capacity building development they would like to receive. “The government could call on us for technical trainings and ideas about the sea. We are experts of the sea! We are expert navigators and livelihoods based on the sea! We can tell you how to get nutrition from anything in the sea!” (Omar, Sama Representative, interviewed by lead researcher, Bongao, Tawitawi, Philippines, May 4, 2023).

#### **6.4.1.3 REGION-WIDE DISCRIMINATION**

Although this outlier of a community does not feel the negative consequences of daily discrimination, they do report the presence of discrimination through MAFAR - the regional governing fisheries body (Republic of the Philippines n.d.a). Many Sama communities reported being discriminated against by MAFAR, citing that fisheries development projects are always awarded to other ethnicities, like the Tausug, but not to them. This was a consistent experience that not even the outlier, confident community could escape.

#### **6.4.1.4 COMPREHENDING RAMIFICATIONS OF TYPOLOGY AND ORTHOGRAPHY ISSUES**

“It would be nice if we could make it [Sama subgroup classification] clear, but I’ve been working for 13 years on this problem and I don’t see a clear way forward.” - Sama Linguistic specialist, Interview by lead researcher, General Santos City, Philippines, May 2, 2023.

Sama peoples are very fluid. Any researcher, NGO, governmental organization, or other stakeholder engaging with the Sama communities must be careful to not define a specific community’s culture or livelihoods based on the Sama typology they call themselves. Doing so may cause the stakeholder to accidentally overlook a specific community that would otherwise be of interest. For example, if this study overlooked the Sama Deya, or “land” Sama, in this research, as our scope was limited to those Sama who still go to sea and depend on the ocean, we would have missed the outlier community as well as many others that provided valuable insight and fish further from shore than the Sama Dilaut in many cases.

In addition, a stakeholder - unless a linguistic specialist - cannot authenticate the self-identification of a Sama person. Depending on who their audience is and what situation faces them at that moment, Sama people have purposely chosen to mis-categorize their specific ethnicity to escape potential discrimination and conflict. There was an anecdote from Sama Basilan Village shared with the researchers:

“If a Visayan asks who they are, they would reply, ‘Tausug’.  
If a Tausug asks, they would reply, ‘Sama Bangingi’.  
If a Sama Bangingi asks, they will reply, ‘Sama Kalagnana’.  
If a soldier would ask who they are, they would say, ‘Badjaw’.”  
-Luke Schroeder, General Santos City, Philippines, May 2, 2023.

The reasons for each of the above replies from our Sama character in the anecdote are as follows:

When a Visayan asks, they would not know the difference between Tausug and Sama. Tausug are known as royalty, and the Visayan would have more fear or respect for Tausug. So our story's character would say they were Tausug to gain respect.

If a Tausug asks our character what ethnicity they are, they cannot reply, “Tausug”. They will instead reply “Sama Bangingi” to maintain respect because the Sama Bangingi were known as tenacious warriors who fought on behalf of the Tausug Sultan and would not back down from the Tausug Sultan if there were a disagreement.

If a Sama Bangingi were to ask the character, they would have to reply with the truth because our character is from an island off of Basilan and a Sama Bangingi would recognize that.

If a soldier asks, they will reply “Badjaw” to escape penalties and receive pity.

## **6.4.2 NON-SAMA CULTURAL IMPLICATIONS**

The permanent establishment of non-Sama communities alters their focus from solely day-to-day survival to include more long-term interests.

### **6.4.2.1 NON-AVOIDANT CULTURE**

Non-Sama communities are not so wary of conflict. They invite having a FAD they can call theirs. They also passionately speak about their social exclusion and speak passionately about the discrimination they experience. Many report vocalizing their marginalization with the LGU, they report sitting on various Barangy and LGU councils yet the vocalization of their concerns are largely ignored. Furthermore, securing their tenure through a CADT is of utmost importance to them. They want to manage the resources of their area and are prepared to engage where necessary for this right. Additionally, they are more interested in long-term environmental conservation measures to preserve this land, and its adjoining waters, that they consider home.

## 6.5 APPENDIX E - LIST OF CONSULTED STAKEHOLDERS

Table 7: Stakeholders, and their locations, consulted throughout this investigation.

Organization	Organization Type	Location	Quantity of Participants
17 Socially Excluded SSF Communities throughout the Western Philippines	SSF communities	Details expanded in Table 8	
Cartwheel Foundation	NGO	Zamboanga, Philippines	3
Communities for Resilience	NGO	Manila, Philippines	1
Dyesabel Philippines	NGO	Davao City, Philippines	1
Graduate Institute of Applied Linguistics	Academic	General Santos City, Philippines	1
Impl.Project	NGO	Palawan, Philippines	2
Institute for Advanced Studies on Asia at the University of Tokyo	Academic	Tokyo, Japan	1
International Federation of Red Cross	International Community	Bangkok, Thailand	1
Mindanao State University - Sulu campus	Academic	Jolo, Sulu, Philippines	3
Mindanao State University - Tawitawi campus	Academic	Bongao, Tawitawi, Philippines	4
Philippine's Department of Social Welfare and Development	Government	Batangas, Philippines	1
SeaFish	NGO	Manila, Philippines	1
University of Philippines	Academic	Manila, Philippines	2
USAID Philippines	Government	Manila, Philippines	2
Western Mindanao State University	Academic	Zamboanga, Philippines	2

Table 8: Demographic details of participants from the 17 socially excluded SSF communities throughout the Western Philippines included in this investigation.

Location	Participant quantities:				
	Total	Fishers	Men	Women	Youth
Pag-asa, Bongao, Tawitawi	6	6	6	0	0
Datu Baguindah Putih, Sitangkai, Tawitawi	3	2	3	0	0
Nunukan Butun Village, Sibutu, Tawitawi	1	1	1	0	0
Lawum Tabawan, South Ubian, Tawitawi	6	5	5	0	1
Kabukan, Hadji Panglima Tahil, Sulu	2	2	2	0	0
Busbus, Jolo, Sulu	2	2	1	0	1
Butun, Parang, Sulu	5	5	0	0	5
Lungan Guitung*	5	5	0	0	5
Poblacion*					
Taingting*					
Tanduh Bagua, Patikul, Sulu	5	5	5	0	0
Kansayangan, Zamboanga, West Mindanao	11	9	8	2	1
Tinoto, Maasim, Sarangani	4	3	3	0	1
Agutayan, Balabac, South Palawan	11	10	8	2	1
Rabor, Balabac, South Palawan	1	1	1	0	0
Teneguiban, Sitio Cagbuli Island, El Nido, North Palawan	10	5	5	5	0
San Isidro, Busuanga, North Palawan	16	13	11	3	2

\*Note, an asterisk (\*) has been placed next to 3 community locations that were grouped together in 1 focus group. Individuals per location were not recorded for these locations, only individual demographics per focus group were recorded by the outside hired research team.



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