Philippines: Governance and Local Empowerment in the Environment and Natural Resources Sector

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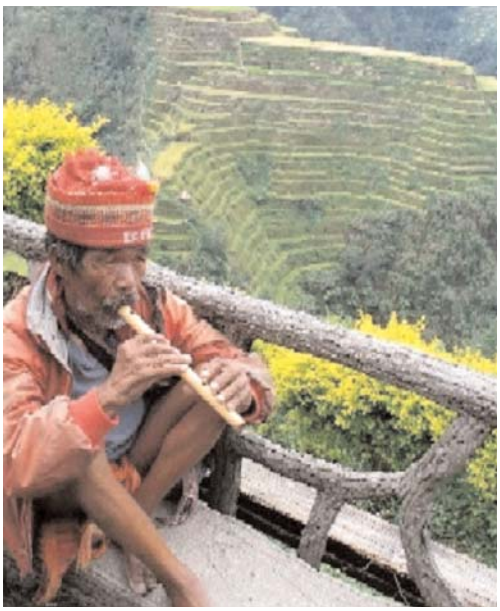

Introduction

Environmental governance in the Philippines exists in various hierarchies- at the supra-national and global (e.g. through treaties, multilateral agreements), national (e.g. though laws, Executive Orders, legislations), and sub-national (e.g. regional offices, local government units, community arrangements, kinship) levels. While environmental governance continues to move beyond the nation-state as a result of multilateral environment agreements and trade, a parallel but

reversed movement has been increasingly observed over the last 15 years. This new direction has been towards sub-national units, as a result of the decentralization and devolution policy of the government that rely heavily on field offices, LGUs and communities to carry out various environmental initiatives. This trend implies that more of the "decisions and actions" concerning the environment have to be made at the local level. Governance is the totality of institutional controls on human behavior in society.

Institutional or societal controls on behavior arise from the deliberate decisions (i.e. policy) and actions (i.e. programs and projects) of environmental institutions (formal and non-formal) and sectors of society (state and non-state) to shape the state and conditions of the environment toward ways to serve various human and ecological objectives. The government is not the totality of governance in the Philippines- it only represents the formal system of statutory governance. A significant form of governance in the Philippines is customary governance, owing to the great diversity of ethno linguistic groups numbering 110 groups in various parts of the country's more than 7000 islands, and with a total population of 11.8 million (NCIP, 2003). In the country's push for modernization and progress, the disharmony between formal and customary governance has been a recurring problem, especially in the environment and natural resources sector. "Good environmental governance", broadly referring to '*societal control mechanisms and processes that link key decisions and actions on the environment to shared social and ecological objectives' (EcoGov, 2006)*, is widely recognized to be a key determinant of the past, current – and future – state of the environment. Seen in this light, good environmental governance is expected to contribute to improved conditions of the environment and natural resources in the Philippines.

On the other hand, weak governance is closely linked to the catastrophic degradation of the country's environment and natural resources over the last 50 years. To illustrate, while the country is among the 17 mega diversity countries that contain two-thirds of the world's total biological resources (Heaney and Mittermeier, 1998), it is also one of the 25 global biodiversity 'hotspots'. Today, less than 6% of original forest cover remains- one of the lowest per capita in the tropics. A total of 491 Philippine species are listed in the 2004 IUCN Red List of Threatened Species, making the country fifth (5th) in terms of world ranking in the number of threatened species.

Policy Framework for Improved Environmental Governance and Local Empowerment in the Philippines

Past environmental problems in the Philippines can be traced back to weak natural resources management, financial resources limitation, and unresponsive and ineffective national management institutions (World Bank, 2003). The government has tried to reverse this trend in the last 20 years by introducing innovative legal framework and institutional arrangements that promote decentralization, subsidiarity principle, devolution and partnerships with local government units, indigenous peoples, communities, and private sector stakeholders, consistent with the pro-people, pro-environment and pro-social justice mandate of the 1987 Constitution.

The Local Government Code and Other Pertinent Laws

The passage of RA 7160 (Local Government Code of 1991) has served to strengthen local governance by providing for autonomy of local government units, allowing them to share with the national government the responsibility in the management and maintenance of ecological balance within their territorial juris-

diction, and by devolving to them certain forest and environment management functions. Related pieces of legislation that define a wide range of LGU and community tasks include the Ecological Solid Waste Management Act of 2000 (RA 9003), Philippine Fisheries Code (RA 8550), Agriculture and Fisheries Modernization Act (RA 8435); Indigenous People's Rights Act (IPRA); and the Philippine Clean Air Act of 1999. RA 9003 and the Philippine Clean Air Act empower private citizens to sue their officials for willful neglect of their environment duties. There are other special laws that support local autonomy and empowerment. For instance, the Strategic Environmental Program (SEP) Law of Palawan empowers the province to manage its own forest resources through the Palawan Council for Sustainable Development (PCSD).

Law Granting Regional Autonomy to Muslim Mindanao

The national government has shown clear and substantial commitment to devolution of powers and functions to the regional level when it passed the breakthrough law (RA 9054) creating the Autonomous Region of Muslim Mindanao (ARMM). The ARMM government established their own Department of Environment and Natural Resources (DENR) which assumed the environment and natural resources management functions and jurisdictions of the national DENR, subject to the provisions of the Philippine Constitution and pertinent national laws/policies. The ARMM Regional Assembly successfully passed its own Sustainable Forest Management Act (SFMA). A similar bill has been sitting in the national Congress over the past 15 years.

The Recognition of the Indigenous Peoples (IP) Rights

The Regalian Doctrine is the basic foundation that affects land allocation, land ownership and resource management in the country. The confusions created among indigenous peoples of the concept of the "public land" owned by the State led to breakdown of common property regimes and the proliferation of open access conditions. The latter, in turn, led to unsustainable resource management as the customary rules for managing natural resources became undermined (Prill-Brett, 2003).

The passage of the Indigenous Peoples Rights Act (Republic Act 8371) in 1997 heralded the return of power and jurisdiction of the indigenous peoples over their ancestral lands and ancestral domain. The law mandated the creation of the National Commission for Indigenous Peoples (NCIP), which was given the authority to issue Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT).

The IPRA paved the way for the recognition of indigenous culture and ancestral land rights and promoted the right of IPs to empowerment and self-governance. It established the requirement for free, prior and informed consent (FPIC) before any project can be implemented in IP territories and mandated the IPs themselves to prepare their own Ancestral Domains Sustainable Development and Protection Plan (ADSDPP). The recognition and promotion of the rights of the indigenous peoples has now been increasingly linked to government policy on ecological conservation and biodiversity protection, including the policies on bioprospecting (EO 277), NIPAS Act, Community-Based Resource Management (EO 263), and even the Mining Act (RA 7942).

Assessment of Selected Experiences on Local Empowerment, Devolution and Decentralization in the ENR Sector

Traditional Resource Management Practices and Use Rights

Indigenous peoples of the Philippines have preserved many of their own customary practices, traditions and livelihood and resource systems, showing great resilience against centuries of foreign domination and their exposures to lowland and market influences.

Centuries of adaptation and co-evolution of the social system with the biophysical environment and agro-ecological system, meant that technological successes have been adopted and institutionalized, thus the resulting practices have proven to be scientific and sustainable (see Omengan and Sajise, 1981, Padilla, 1992; Butardo-Toribio, 1996; Butardo-Toribio and Orno, 1996). Examples of such practices include the *Muyong* (forest or woodlot) and *Uma* among the Ifugaos, the *Imung* of the Kalinga of Mangali, the *Pinawa* of the Kalinga of Tinglayan, the *Lapat* system in Abra, the *Day-og* and *Guenguen* among the Ikalahans, and the *Tayan* of the Bontocs. In recognition of the importance of the *Muyong* in preserving the forest resources in Ifugao province, the DENR issued Memorandum Circular 96-02, which among others provides for the issuance of "Muyong Resources Permit" (MRP), which grants the privilege of resource extraction and disposition to qualified applicants. Carino (undated), however, criticized this move of the government stating that "the policy takes back what it gives by requiring the woodlot owners to apply for the MRP, by imposing restrictions

on the continued practice of the *muyong*, and by requiring MRP holders to submit to the conditions set forth in MC 96-2". Reports have, however, shown that even the centuries old-systems described above may become vulnerable due to rapid socio-economic, policy, and environmental changes (see for instance, Butardo-Toribio, 1996; Butardo-Toribio and Orno, 1996).

For instance, conflicting and ambiguous land allocation policies exacerbated by population and market pressures and other incongruous external influences can serve as a deterrent to the sustainability of these resource-management systems. In addition, many of the young IPs may have already lost track of their indigenous knowledge and skills (Rueda, 2006) as they continue to be allured by the city and modern ways.

Forest Co-Management in Nueva Vizcaya

The co-management arrangement over the forestlands entered into between the province of Nueva Vizcaya and the DENR Region 2 office to manage a portion of Magat watershed is an example of a working model on local empowerment and devolution. As a result of this agreement, the poverty incidence in the province decreased from a high of about 50% in 1995 to a low of about 11% in 2003 and forest violations went down. This system, however, being based on a mere Department Administrative Order, does not have a very stable legal standing.

Community-Based Forest Management (CBFM) Strategy

Through EO 263, CBFM was adopted as the Philippines' "national strategy to achieve sustainable forestry and social justice". Under the CBFM Program, tenure holders are given the privilege to occupy, possess, utilize and develop forestlands and resources found therein; to enter into agreements or contracts with private entities or agencies; and to receive all income and proceeds from the sustainable use of forest resources within the award area, among other privileges.

The beneficiaries themselves with assistance from DENR prepare their Community Resource Management Framework (CRMF) and Annual Work Plans which serve as their guide for sustainable development and utilization of the area's resources. The implementation of the CBFM Program is hailed as a major achievement of the DENR for the decade. However, this program has recently been beset by problems, particularly in terms of the failure of the policy to consider the great diversity of community beneficiaries; their varying resource endowments, skills and management practices; and their differing levels of self-empowerment and governance.

Role of GIAHS Project in Promoting Environmental Governance and Local Empowerment in the Philippines

The above discussions highlight some of the gains so far in terms of Philippine strategy in enhancing local governance and empowerment is concerned. Undeniably, there are many gaps still, particularly in terms of being truly effective in integrating the concerns of indigenous peoples in government policies and programs in resource allocation, tenure issuance and management.

The GIAHS Project by aiming to "protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements" has a lot to contribute in this regard. The

Philippines can learn and achieve much from the implementation of the following GIAHS approaches: 1) the recognition of the dynamic nature of GIAHS and their ability to be resilient to new challenges without losing their biological and cultural wealth, and productive capacity, and, 2) the focus on the human and knowledge systems, including their socio-organizational, economic and cultural features that support GIAHS without compromising their resilience, sustainability and integrity.

Proposed Structure for GIAHS

An innovative institutional structure for GIAHS has been shown to be greatly needed in the Philippines particularly because the continued survival of globally important agricultural heritage systems in the country is at risk from: a) loss of customary institutions and social organizations that support them in favor of formal structures dictated by governments, b) rapid environmental and socio-economic and policy changes associated with modernization and globalization that put a strain on the capability of traditional institutions and resource management systems to adapt to them, c)abandonment of traditional resource management systems in favor of unsuitable and ecologically harmful technologies due to market and policy pressures, and d)abandonment of traditional beliefs that link indigenous peoples and nature due to increasing contact with the commodity-market and integration with mainstream society.

The proposed support delivery system for GIAHS presented in *Figure 1* encompasses the various key hierarchies of governance. The highest level is the level of national governments and donors. At this *global level,* the key activities would be to facilitate international recognition of the concept of GIAHS and to consolidate and disseminate lessons learned and best practices from activities at the pilot country level. Within each pilot country such the Philippines, a national government organization shall serve as the national anchor for country-level support activities. Key activities at this level would include planning, financing, M&E and reporting and national mainstreaming of the GIAHS concept.

Field level activities shall be at the hierarchies of provinces, municipalities and barangays, primarily to address conservation and adaptive management needs at the community level.

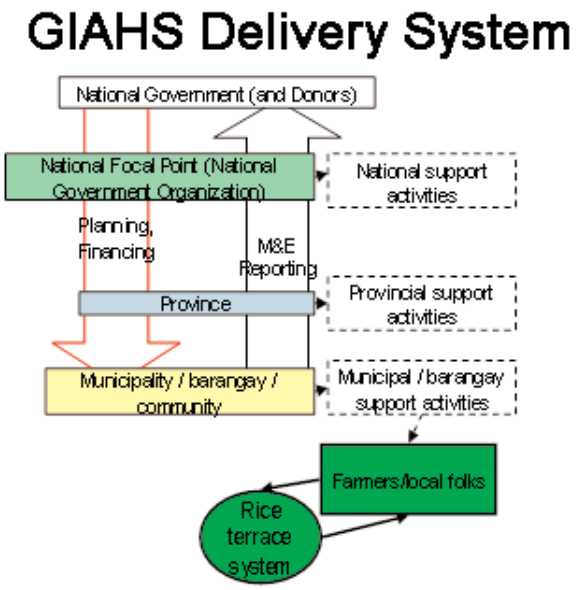

Figure 1. Proposed GIAHS Support Delivery System

Policy and Action Imperatives

At the national level, GIAHS-supportive environmental governance requires anchoring GIAHS-supportive macro policies, strategies, programs, standards, resource allocation decisions and actions on accountability, participatory processes, transparency, responsiveness, and rule of law principles. The central and most important role of the government is that it shapes the policy and incentives environment that influences peoples' behavior and relationship with their environment. Conflicts arise, however, when government's policies prove incongruous with local beliefs, customs and traditions and worldviews held by indigenous peoples since time immemorial. For instance, the inability of government policies and tenurial instruments to consider the prevailing concepts and practices of land ownership and the traditional resource use practices of indigenous peoples can cause conflicts to occur and can even exacerbate resource degradation.

Toward this end, there is a need to enhance the capacity of the State to formulate responsive and effective policy and programs that recognize unique needs of GIAHS independent of pressure from special interests. In particular, the following reforms are needed: 1) enhancing the skills of policy and decision-makers to aggregate diverging interests to represent the public

interest on GIAHS, 2) strengthening the ability of decision makers to resist corruptive pressures, and 3) enhancing the capacity of policy and decision-makers to consider, prevent or mitigate, monitor, and evaluate regulatory and program side effects, for instance, through the use of techniques and tools such as benefit-cost analysis, environmental and social impact assessment, risk analysis, and the adoption of the Precautionary Principle when dealing with GIAHS. Research and establishment of monitoring and evaluation tools should be conducted to enable the national government to track the problems and develop appropriate macro- and micro-level solutions to GIAHS concerns.

At the regional and provincial level, there is a need to mainstream the conservation and adaptive management objectives of GIAHS in regional and provincial level sectoral and inter-sectoral policies, development plans, programs, and projects, following the principles and practices of good environmental governance.

At the municipal level and barangay level, GIAHS- supportive environmental governance would require: 1) the integration of GIAHS and environmental governance processes and principles in municipal/city/barangay ordinances, plans, programs and projects, 2) harnessing local political, social and economic processes as well as appropriate new technologies in ways that interact with local ecological factors such that biodiversity and local cultural values are maintained, 3)strengthening/enhancement of organizational management capacities and values of local institutions to help them better adapt or adjust to outside pressures.

If they are better organized and prepared, they can easily communicate their concerns and coordinate and integrate their plans and programs with government agencies' and other institutions' plans and programs without losing their essential resiliency and sustainable practices. Lastly, for the benefit of preserving traditional knowledge and practices, indigenous and other local peoples who have adopted ecologically and culturally incompatible technologies and practices should be made aware of the consequences of these harmful innovations. Their pride in their own knowledge and practices should be enhanced through wide and formal recognition of the advantages of these indigenous systems and their role to environmental sustainability.

Summary

Good governance is the complex of decisions and actions that regulatory institutions in society – government in particular – make and do to (a) control human behavior and (b) harness society's endowments for the common good. Good governance is a necessary precondition to good environment. It would be difficult to achieve a robust environmental base for the nation's development without addressing the issues and constraints of governance. Formal governance, however, has to consider and amalgamate the important contribution of customary governance. Traditional knowledge and practices of indigenous peoples can give the world important insights that can be used in formulating policies, techniques, and strategies for the sustainable use of the world's biological endowments.

Over the last 20 years, the Philippines have taken significant changes in improving its governance and empowerment policies, programs, and initiatives. In the ENR sector, the Philippines has taken a serious effort to enact a policy that recognizes the legitimate claims of the IPs, respect for customary laws and local knowledge such as the Ifugao Rice Terraces and the Muyong system of forest management. The Philippines continues to learn, reflect, and re-direct its efforts to improve its policies, strategies, programs for effective and efficient governance and empowerment of the marginalized sectors such as the IPs, upland occupants, fisher folks, landless farmers, and the urban poor. The GIAHS is supportive of the emerging thrust of the Philippines to improve environmental governance at all levels- national, regional, provincial, municipal/city to barangay as a way of conserving its biodiversity and reversing the trend of environmental degradation.

However, effective conservation of GIAHS calls for sustainable strategies that recognize the different realities and hierarchies, as well as the complex and dynamic processes, interactions and interdependence in the landscape and the human-agro-ecological systems. Technical interventions, for instance, should conserve environmental regeneration capacity and consider the socio-cultural milieu of the beneficiary communities. It should not also be forgotten that two of the most dominant factors of change and unsustainability are the effects of the market and the policies of the national (and global) economic and political systems. The kind of development that these exogenous factors will ultimately lead to will depend on how the existing setups of technology, economy, natural resource base, and social institutions will interact and readjust with each other at particular point in time and level of hierarchy. There is also a need to consider the impacts of such environmental perturbations such as global

warming and El Niño/Southern Oscillation Diagnostic Discussion (ENSO). Just as important as the implementation strategies for bringing about sustainable GIAHS is the identification of appropriate indicators to assess the progress of the achievement of the GIAHS objectives. Indicators maybe developed at the national, regional, provincial and municipal hierarchical levels as well as farm and household or watershed level indicators.

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