

Strategic Policy Framework for Eco-governance in the Philippines

a. Creating an Enabling National Policy Environment on Eco-governance

Several major legislations supportive of eco-governance have been approved and adopted by the GOP since the passage of the Local Government Code of 1991. These legislations laid down the specific mandates for eco-governance to LGUs and local communities. Among the major legislations that laid down expanded eco-governance mandates to LGUs and communities provided for under the Local Government Code of 1991 (RA 716) are the National Integrated Protected Area Systems (NIPAS) Act of 1994 (RA 7586), Fisheries Code of 1997 (RA 8550), Clean Air Act of 1999 (RA 8749) and Ecological Solid Waste Management Act of 2000 (RA 9003). (*Please see Annex 1 for Comparative Analyses of Eco-governance Policies*).

Other supportive legislations that further strengthened the mandates and responsibilities of LGUs and local communities in eco-governance and resource management include the Agriculture and Fisheries Modernization Act (RA 8435), Toxic and Hazardous Waste Act of 1989 (RA 6969), Indigenous People's Rights Act (IPRA), Mining Act, Wildlife Resources Conservation and Protection Act of 2001 (RA 9147).

i. Local Government Code of 1991 (RA 7160)

Republic Act 7160 embodied the fleshing out not only of the decentralization policy of the GOP but moreso the appropriate mandates for eco-governance to LGUs and local communities in managing their resources and the environment. Specifically, Sec. 16-17 of the Code outlined the specific powers and authorities of LGUs over environmental and natural resources management as a whole. Other provisions of the Code provided specific powers and responsibilities to the LGUs to various resources and particular ecosystem levels, i.e. communal forest, municipal waters, smoke-belching and water pollution, mini-hydroelectric, small-scale mining, minor resource quarrying, and solid waste management.

Likewise, provisions for community participation in governance are provided for under the Code through the Local Development Councils and sectoral representation in the Sanggunians. The Code also provided for the creation of sectoral multi-sectoral bodies such as environmental and natural resources councils to support the governance mandates of LGUs and venues for participation in local policy making.

ii. National Integrated Protected Area Systems of 1994 (RA 7586)

The NIPAS law was one of the first legislation on resource management that gave flesh and blood to the decentralization of eco-governance of natural resources to LGUs and communities. The key provisions of the NIPAS law which aimed to establish a system of area management systems is the creation of the Protected Area Management Board and mandating specific regulatory and management authorities to local governing bodies, i.e. PAMB. The NIPAs law mandated the membership of LGU and community participation in the local governing bodies of protected areas to enable them to directly participate in policy-making process as well as on-site management of protected areas. It also mandates the designation of water and land use zoning powers to the PAMB as a management tool and operational mechanism.

The law also recognized the importance and significance of LGUs in protected area management and biodiversity conservation by mandating LGUs to pass local ordinances and application of relevant policies adopted by the PAMB to support the protection and management of protected areas within their jurisdiction.

iii. Fisheries Code of 1997 (RA 8550)

The Fisheries Code of 1997, reaffirmed the responsibility and mandate of LGUs in the management of coastal resources, particularly within municipal waters. It also formalized the creation of multi-sectoral policy-making body, Fisheries and Aquatic Resource Management Councils (FARMCs) at all levels of the LGU with membership coming from sectoral organization such as fisherfolk. Through the Fisheries Code, LGUs and local communities have been given mandates over policymaking, planning and management over municipal waters and resources. It also provided regulatory and prosecutory/penal powers to LGUs in controlling and protecting fisheries resource allocation and exploitation as well as the imposition of relevant local charges and user fees.

iv. Clean Air Act of 1999 (RA 8749)

The Clean Air Act is the country's first national policy on air pollution. It provides for a holistic national programme of air pollution management that shall be implemented by the government through LGUs, citizen groups and industry self-regulation activities. It also provided for the use of market-based instruments as incentive for self-regulation as well as funding/guarantee mechanism for clean-up and environmental rehabilitation and compensation for personal damages. Among its key provisions is the identification of roles for LGUs from the provincial level to the barangay level. These include developing an action plan for air quality improvement and its implementation, implementation of air quality and emission standards, and enforcement of anti-smoke belching/air pollution laws from motor vehicles and public places.

v. Ecological Solid Waste Management Act of 2000 (RA 9003)

The Solid Waste Management Act is another milestone piece of legislation that brought a clearer perspective of the role of LGUs and local communities in eco-governance, in this case, solid waste. In this case, RA 9003, mandated the formulation of 10-year local solid waste management plans and the creation of local solid waste management councils at the provincial, city and municipality levels. It also identified the adoption of a definitive resource management strategy, alternative livelihood programmes, common waste treatment and disposal facilities, and fiscal incentives and investment packages for specific technological processes to establish solid waste management systems.

All these major legislations have expanded the provisions of eco-governance in the country and the roles played by LGUs and communities in its implementation. In fact, in most of the latter laws such as the Clean Air, Ecological Solid Waste Management Act and Wildlife Habitat Protection and Preservation Acts, expanded roles and responsibilities are given to LGUs and local communities in the direct implementation and management of their local resources. Broader and expansive enforcement and regulatory powers are devolved to LGUs while local community participation in local implementation plans, policing and monitoring are provided for by these new policies. Whether these roles and functions are implemented effectively will be discussed in the next section. But what is clear though is that these expansive roles and powers may have recognized and given more authority albeit enforcement and police powers but they remain unmaximised due to inherent technical and organizational weaknesses of LGUs and local community organisations.

Beyond the issues of implementation, several limitations remain in the current policy environment for eco-governance that inhibits the full exercise of eco-governance in the country.

Among the key policy-related issues to eco-governance is the absence of encompassing natural resource management and use policy including forest management, national land and water uses and coastal and marine policy. The country's existing forest management policy is still tied to the more than 25-year old Forestry Code or PD 705 passed in the mid-70s while there is still no national land and water use policy for the country. On the other hand, despite the passage of the Fisheries Code in 1997, the management of coastal and marine ecosystems

and areas beyond fishery resource management has yet to materialize. The lack of these critical national resource use and management policies to vital ecosystems of the country has resulted to the inconsistency, if not, unintegrated management of our forest, coastal and land and water resources.

Other key issues of policy relate to the consistency and complementation of existing resource use policies adopted by the country. This is particularly true not only with the IPRA and Mining Act but also of the NIPAS law. These key policies on resource management together with the Fisheries Code and Forestry Code are contentious in the context of its implementation and interpretation. Which leads to the next level of eco-governance concern, localization and implementation of national policies on eco-governance and mandates.

b. Localization and Creating a Local Policy Environment for Eco-governance

The level of its implementation and application of nationally mandated roles and responsibilities given to LGUs and local communities gauge the real effectiveness of eco-governance initiatives. The localization and implementation of eco-governance mandates were provided for by various laws starting from the Local Government Code to the recently approve Wildlife Habitat Conservation and Preservation Act. These included the formulation of local policies and resolutions adopting local level versions of nationally mandated provisions as well as the establishment of local implementing mechanisms and structures.

Under RA 7160, LGUs were given the power to create their respective environment and natural resources units or any other structures to fulfill their environmental functions. Under the NIPAS law, LGUs under the coverage of the protected areas are automatically included as members of the Protected Area Management Board (PAMB), which is the highest governing body for protected areas. For the Clean Air Act and Solid Waste Management Act, LGUs were given further powers and functions to draft their local level versions of air quality management plans and ecological solid waste management plans down to the barrage levels. (*Please see Table 2b of Annex of Legislative Matrix of Eco-governance Laws*).

Likewise, all of the major eco-governance related laws provided for multi-sectoral consultative mechanisms that institutionalizes the representation and participation of local communities, sectoral organizations, civil society groups and other community stakeholders in various levels of governance. These include activities related to policy formulation, law enforcement, monitoring, information gathering and dissemination, education and advocacy. These provisions provided for broadening participation by local communities in eco-governance initiatives. However, the test of these provisions and its effectiveness is dependent on its implementation and the capacity of local community stakeholders, including the LGUs and POs, to exercise these responsibilities and rights.

c. External Cooperation/Donor Agency Projects on Eco-Governance

Over the last ten years, multilateral and bilateral donor agencies have played active roles in providing necessary technical and institutional support to the decentralization and governance process mandated by eco-governance related laws. These projects have been directed towards improving institutional and physical capabilities of both national and local governance institutions, including building community stakeholder organizational and management capacities. It also supported various infrastructures, systems, technical assistance services that were targeted towards supporting and improving effective governance by LGUs and stakeholders.

Among the major donor agencies that has actively pursued governance and governance-related projects, including eco-governance, are UNDP, World Bank, ADB, JICA, USAID, CIDA, European Union, among others (Table 1). Other projects provided access by LGUs for resources, technical assistance and information on eco-governance related and supportive initiatives being implemented by other donor agencies at both national and regional levels (Please Annex 2 for Detailed Table of Donor-assisted Programmes with Governance/Governance-related components).

Table 1 : Summary Table of Major Donor-assisted Projects with Eco-governance Support Components

Donor Agency	Project/Programme	Project Component Support to Eco-governance
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UNDP	Samar Island Biodiversity Project	Training/Technical Assistance (Biodiversity)
	Local Environmental Management Programme	Training/Technical Assistance (Environmental Management and Planning)
	PRIME	Information/Education (Solid waste/toxic hazardous wastes handling, industrial ecology) Training/Technical Assistance (EIA)
World Bank	Community-Based Natural Resources Management Programme	Resource Mobilisation/Financing for NRM initiatives
	LGU Water/Drainage District Development Project	Resource Mobilisation Infrastructure Support
	LOGOFIND	Resource Mobilisation/Financing
	Watershed Management Programme	Information/Education Training and TA
	Conservation of Priority Protected Areas Programme (CPPAP)	Technical Assistance/Training Institutional Development (PA Management) Livelihood Support
CIDA	Local Government Support Programme II	Technical Assistance (upland/forestry, watershed, coastal, solid waste, environmental management) Livelihood/Enterprise Development Community Organisation/Institution Building
	PCEEM	Technical Assistance/Capacity building (watershed management/solid waste and land use planning) Institution Building

USAID	Eco-Governance Programme	Technical Assistance/Training (coastal, upland, solid waste) Advocacy Institutional Development
	NRMP-Coastal Resource Management Project	Technical Assistance/Training (coastal management and planning) Information/Communication Research/Database/Monitoring Policy Advocacy
ADB	Fisheries Resources Management Programme	Technical Assistance/Training Livelihood Community Organising/Institution Building
JBIC	Southern Mindanao Integrated Coastal Zone Management Programme	Technical Assistance/Capacity Building Infrastructure Support Community Organising Resource Mobilisation/Financing
EU	Upland Development Programme	Technical Assistance/Training (watershed/upland forestry) Community Organising/Institutional Development
	NIPAP	Technical Assistance/Training Livelihood Institution Building/Community Organising