EXPERIENCES AND CHALLENGES OF
LOCAL GOVERNMENT UNITS IN CO-MANAGING FOREST RESOURCES:
THE CASE OF LOWER MAGAT FOREST RESERVE

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Introduction

In the Philippines, the passage of Republic Act 7160 in 1991, better known as the Local Government Code, was hailed as a historic moment in the long and gradual progress of the Philippine quest for genuine local autonomy. With more powers and functions devolved by central government under the new law, many people looked expectantly to more effective, responsive, and more self-reliant local governments.

However, in the area of environmental management, the Department of Environment and Natural Resources (DENR) devolved very limited powers, functions and responsibilities to local government units (LGUs). At the provincial level, the DENR devolved the enforcement of forestry laws in community-based projects only, while at the municipal level it devolved management and control of communal forests with an area not exceeding 5,000 ha.

Since 1992, after handing over to the province of Nueva Vizcaya some Integrated Social Forestry Projects (ISF), no other community-based projects have been devolved or identified for LGU management. The same is true for municipalities where communal forests have not been delineated on the ground.

As no formal rules have been issued to define the arrangements between the DENR and LGUs, devolution has not progressed. In a sense, it cannot be said that devolution does not work because the truth of the matter is it has not yet been tried.

Since this is the fate of devolution, then it would seem to be uninspiring to local governments. However after seven years, there are a number of LGUs that do not feel constrained by the slow progress devolution made, but rather challenged by the opportunities it offers. Certainly, many are interested to know more about innovative break-throughs made by LGUs in the management of natural resources. Some studies on the progress of decentralization are very critical of the attitude of the DENR towards devolution. They indicate that handing over functions to LGUs was deliberately limited to enforcing forestry laws because the DENR did not consider LGUs ready and capable of taking greater and broader responsibilities. This probably implies a lack of knowledge or belief by DENR officials in the dynamics of decentralization, and its ability to excite creativity or innovation as proponents of local autonomy publicly extol.

Whatever the fact is, the attitude of DENR officials has to be viewed in light of the "transition blues" or simple birth pains of devolution. Having been comfortable for many decades with a centralized system, the idea of suddenly sharing powers with LGUs was understandably met with reluctance and misgivings.

Owing to the tentativeness and ambiguity of the term "devolution" itself, the DENR and the provincial LGUs have been consequently locked in an impasse. But breaking the stalemate was just a matter of time. The LGUs, inspired by the momentum and gains in other decentralized responsibilities and functions, have gradually applied pressure on the local DENR to move and respond to resource management issues, securing at times the support of DENR regional officials.

The story of the decentralization and devolution journey of the province of Nueva Vizcaya is captured in the anecdotes of its many attempts to challenge the status quo. This has produced many inspiring results of local initiatives which will hopefully enrich the annals of political change in the Philippines.

Experiences and Small Victories: Our Building Blocks Planting the "Tree For a Legacy"

For many years it was the common practice of LGUs to go through the motions of tree planting programs. However, communities have grown tired of such activities because of the lack of real incentives and tangible benefits. In 1993, when the provincial government sensed the diminishing public interest in tree planting, the
Provincial Governor challenged the local DENR officers to respond to the popular demand of ownership of the trees planted.

The "Tree For Legacy" Program was designed and launched to provide ownership certificates as an incentive to tree planters on private and public lands. The program was a test case to invalidate the well-entrenched policy against issuing harvesting permits in declared watershed reserves. Nueva Vizcaya has been declared a watershed by virtue of a Presidential Proclamation.

The creativity and exercise of political will by the provincial administration has attracted legions of stakeholders who have long taken a "wait and see" stance to call for reforestation. The homegrown program elicited initiatives to plant trees in backyards, and even in erstwhile kaingin (shifting cultivation) areas. The harvesting rights have brought a different perspective to reforestation.

Facilitating Local Social Mobilization-Fusion and Fruition

Having breached the rigid armor of the DENR and discovered the latent responsiveness of the people, the provincial government negotiated with a local college for the management of a 50 ha, hilly plot under a Memorandum of Agreement (MOA). The area was divided into 1 ha lots and distributed to NGOs, POs and civic groups providing certificates of ownership similar to the "Tree for a Legacy" Program.

The LGU supplied mango seedlings to participants who regularly maintained the trees. Mango was the species of choice of the former shifting cultivators. Unfortunately, the assumption that fires would not damage the seedlings did not hold because three successive fires destroyed the plantation year after year. Whether the fires were accidental or deliberate could not be established.

The amazing lesson here is the collective resolve of both the LGU and the participants to replant after each fire. After the third fire, the LGU decided to invite the people living around the project area, to participate in the project with the same privileges enjoyed by the original participants. People also agreed to act as fire suppressers. They received training and equipment from the LGU. The community has been referred to as a "social fence" of the project and since then the word has been added to the vocabulary of the local government as a reminder of the lesson learned in local dynamics. The LGU is very hopeful that fires belong to the past because it can count on the "social fence" to protect the plantation.

Catalyzing Conflict Resolution: The Watershed Deal

A 439 ha watershed critical for supplying potable water to two municipalities and irrigation water to six barangays has been plagued by land use conflicts for many years. The watershed provides space for the settlement of about 100 households. It became the principal source for their living, but their activities led to further watershed degradation. For downstream users, it is a critical water source for irrigation. For many years, attempts by the government to intervene or offer its assistance in finding a mutually agreeable solution was turned down. Instead, villagers gave resounding negative vote to the incumbent Provincial Governor during one of the provincial elections.

The provincial government finally realized that the lack of tenure security was behind the anxiety of the settlers regarding the watershed. Therefore, it proposed an MOA, with the concurrence of the DENR, providing for a 25-year tenure (renewable by another 25 years), which was met with unanimous approval. However, lowland farmers expressed their concern over possible adverse impacts the permanent occupation of the watershed might have on the already limited supply of irrigation water. When the members of the irrigation association staged a protest at the Provincial Capitol, the government realized that the preparatory activities in the watershed focused only on equipping occupants with skills and knowledge but had neglected the downstream users.

Subsequently, information to downstream farmers was disseminated, which indicated that watershed protection, development and management are mutually beneficial to all stakeholders. This defused the tensions and downstream farmers even openly expressed their sympathy for the plight of the watershed occupants.

The role of the government as an accomplished facilitator, a skill acquired through expert external technical
assistance, was highly instrumental in settling resource disputes and redirecting the users towards collaborative activities which broadened the ownership base of the watershed. Eventually, the watershed development framework designed by the community through participatory processes, guided by the local environmental and natural resource office (ENRO) staff and supported by external technical assistance, became the common platform for concerted action by all stakeholders.

**Co-Management and Our Determined Path**

The small victories by the LGU were not only satisfying but also confidence-building blocks that improved the relationship between the DENR and the provincial government. This time, the LGU's aim is to scale greater heights in natural resource management while skirtiing the maze of rigid and conflicting policies, rules and regulations derived from various pronouncements of DENR.

Painstakingly long legal and technical research, and relentless experimentation with untested management models in consultation with environmental specialist, finally paid a huge dividend. The provincial government successfully brokered the first co-management agreement between the DENR and a Municipal Government, transferring to the latter the management, protection and development of a 2000 ha portion of a defunct reforestation project.

The implication of this important point in local devolution initiatives is far reaching. The DENR by virtue of this precedent-setting agreement has finally recognized the capacity and potential of the LGU to spearhead natural resource development and environmental management. On the other hand, it has shattered the LGU perception or bias that the DENR is living in the past, is rigid and unabashedly indifferent. It has set the stage for the signing of the co-management agreement for the Lower Magat Reserve, the crown jewel of decentralization-devolution initiatives of the provincial government. It predates the latest joint Memorandum Circular, MC 98-01, signed between DILG and DENR, and provides for, amongst others, the devolution of forest management functions to LGUs.

**The (Lower) Magat Forest Reserve: Crucible for the Co-Management Paradigm**

The Magat forest Reserve, which encompasses the entire province, has an aggregate area of 245,440 ha. It is of considerable strategic value to the provincial and regional development. In the overall framework for regional development, Nueva Vizcaya has been designated a watershed haven of Region 2. It hosts the Magat Dam, the biggest hydroelectric dam in the country with a rated capacity of 350 MW and presently irrigating about 150,000 ha of farmland for growing rice.

The (Lower) Magat forest Reserve, the downstream part of the Magat Forest Reserve, comprises 24,000 ha of forestland that until 1989 was managed through a regular reforestation project. It straddles two municipalities with 19,000 people in 21 barangays. The reserve poses a formidable challenge to the new LGU-DENR alliance.

Until 1998, foreign funds were pumped by the DENR into activities to contain erosion that threatens to shorten the life-span of the Magat Hydroelectric and Irrigation System. Various reforestation projects, however, have failed to reduce the high sedimentation rates of rivers and reservoirs including in the Magat Dam where millions of tons of silt have been deposited.

The Lower Magat Forest Reserve represents an ambitious attempt to resolve the combined assault on the watershed by illegal logging, rampant firewood gathering and charcoal making, unregulated commercial ranching, frequent forest fires, an influx of landless people engaged in destructive mixed land uses and an increasing population pressure.

The MOA articulates the arduous task of redeeming one of the most prized natural assets of the province couched in simplified operational terms but legally consistent with basic national policies, although ingenuously remodeled to suit and effectively respond to realities on the ground, and environmental imperatives in the forest reserve. A customized feature and centerpiece of the agreement is the facilitative processing of sub-agreements with legitimate occupants for stewardship of any portion of the Magat Forest Reserve through an MOA to be signed by the Provincial Governor as head of the Steering Committee with the DENR acting as co-chair. Although not to be interpreted as a permanent substitute for permits/licenses issued
by the DENR, it nevertheless provides order and stability to former "open access" areas constituting the largest portion of the reserve and the main source of land and resource use conflicts.

It also opens new windows of opportunities to the private sector, cooperatives and even government agencies for the protection, development and management of any portion of the area under a similar sub-agreement for a period of 25 years, renewable for another 25 years. The novelty of the agreement is the flexibility and autonomy shared between the DENR and LGUs in co-managing the Forest Reserve in accordance with the Annual Work Plan. The unique arrangement also bypasses rigid bureaucratic processes, and promotes more effective and responsive management.

Attached to the agreement is the Magat Indicative Plan that was formulated following community consultations, interviews with key informants, roundtable discussion among and between DENR and LGU officials, and based on the analysis of secondary and primary data. It serves as the overall framework for the protection, development and management of the Lower Magat Forest Reserve. The plan proposes land uses, a major land classification and appropriate management scheme for each land category. To protect and enhance a 1000 ha forested portion, an eco-tourism park has also been proposed.

An underpinning strategy is to improve the watershed value of the different areas without negatively affecting the various livelihood activities of present occupants. For further ground verification, community mapping has been employed which also provides an opportunity to heighten environmental awareness in the communities. The mapping activity helps the occupants to adopt a global perspective of their community and puts a human face to the complex issues and problems of the reserve.

By the end of 1998, all 21 barangays had been covered, and a prototype community settlement plan was underway in coordination with municipal officials. The community maps generated will now harmonize the forestland use with ground realities. The entire forest reserve should reverberate with sustained clustered community action planning. Organized in a highly participatory environment, it raises the level of motivation and collective aspirations of the watershed occupants to embrace the Magat vision.

The activities will be designed to elicit valuable local insights from all stakeholders. They should become a virtual bank of systems, indigenous practices, and relevant management models to form the backbone of the Magat Forest Reserve Protection and Development.

The range and magnitude of operationalizing the plans, programs, and strategies are staggering to an LGU still learning the ropes of partnering for environmental management. To cope with the enormity of the challenge, there should be a common effort of the DENR and LGU to improve and nurture their strategic management alliance.

The stakes for the partnership are indeed very high but so are the rewards. From a slow but rocky start, the provincial government was able to pierce the veil of vagueness of the DENR devolution of powers, functions and responsibilities to LGUs and pioneered co-management of natural resources as a new paradigm in the theater of devolution. The tenacity of a local government to demonstrate convincingly that devolution works, and its success in making it work, illustrate the inherent power of decentralization to transform or to create. This is a vindication of the faith and foresight of those who believe in the inevitability of local autonomy as the "wave of the future" in Philippine government and administration.