

Asia-Pacific: Philippines

Private Tools for Mangrove Conservation in the Philippines

Dioscoro M. Melana, PhD, Regional Technical Director of Protected Areas, Wildlife and Coastal Zone Management Service, Department of Environment and Natural Resources Region 7, Philippines

Abstract

Fishponds and other coastal developments have taken a heavy toll on mangroves in the Philippines. Mangrove forests remaining along the Philippine coastline are of lower quality than those found in the early century and cover less than one-third of the original area. Only 5% of the existing mangroves are primary growth. Three protection and management strategies for mangroves exist in the Philippines: 1) assignment of user and property rights; 2) regulatory techniques; and 3) non-regulatory techniques. This case study compares these strategies and focuses on the assignment of user and property rights, specifically contracts, permits, and leases issued by the Government of the Philippines. These instruments have been issued to qualified organized communities and other private and government entities with the goal of pursuing community-based mangrove development, conservation and management in protected areas and other areas of the public domain.



Map of the Republic of the Philippines
Courtesy of Dr. Aliño, et al., MSN Secretariat

Program Overview

Agreement Mechanism

The agreement mechanisms being used in mangroves in the Philippines relative to assignment of user and property rights are summarized in the table below.

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Agreement / Permit / Lease	Legal Basis	Contracting / Signing Parties	Implementer	Monitoring Center	Fee	Duration	# Existing in Central Visayas	Notes
CBFMA	-E.O 263 -DAO 96-29, DENR	Gov't & Head of People's Organization (PO)	Head of PO	PO & DENR	None	25 yrs, renewable for another 25 yrs	62	Products produced are taxable
PACBRMA	RA 7586 & DAO 2004-32	Gov't & organized tenured migrants or indigenous people	POs	PAMB	None	25 yrs, renewable for another 25 yrs	4	Products produced are taxable
SAPA	DAO 17, Series of 2007	Gov't and private individual operator or head of business partnership, PO, Corp., or LGU	Private individual operator or head of business partnership, PO, Corp., or LCE for LGU	PAMB through the PASu	RUF	Not to exceed 25 yrs, renewable for a period not more the first term	7 (50 existing apps)	Products produced are taxable
FLAg	DAO 2004-59	Gov't and head of business partnership, PO, Corp.,	Head of business partnership, PO, Corp.,	Gov't	Permit Fee based on policy	25 yrs, renewable for another 25 yrs	57	Products produced are taxable
FLAgT	DAO 2004-28	Gov't and head of business partnership, PO, Corp.,	Head of business partnership, PO, Corp.,	Gov't	Based on laws/ policy	25 yrs, renewable for another 25 yrs	8	Products produced are taxable

Context

The agreements stipulated below are issued not only in mangrove areas but also in the forest areas of the public domain. The context, process and procedures including the issues surrounding the use of the agreement/permit/lease are described as follows:

Community-Based Forest Management Agreements

The Community-Based Forest Management Agreement (CBFMA) is a production-sharing agreement entered into by an organized community and the government to develop, utilize, manage and conserve specific portions of *forestland* consistent with the principles of sustainable development and pursuant to an approved community Resource Management Framework Plan (CRMF). Since mangroves in the Philippines are classified forestland by virtue of Presidential Decree 705 which took effect in 1975, CBFMAs have been issued in mangrove forests since the decree.

CBFMAs empower communities to enter into agreements with private sectors and with any units of government for appropriate development and management projects in multiple use zone timberland areas as contained in the CRMF in accordance with the provisions of Department Administrative Order 96-29, Department of Environment and Natural Resources (DENR) and other pertinent policies, rules and regulations of the government of the Philippines. The CRMF defines the terms and procedures for access, use and protection of natural resources within CBFM area.

The additional benefits of being a CBFMA holder include:

- Exemption from paying rent for use of the area;
- Exemption from charges for timber and non-timber products harvested from plantations;
- Consultations on all government projects to be implemented in the area;

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- Preferential access to the DENR for assistance; and
- Income and proceeds from the use of forest resources within the area.

The CBFMA application process involves

- Formation of a people's organization (PO) if one is not in existence;
- Registering interest to apply for CBFMA;
- Identification of the planned CBFMA area;
- Upon CBFMA approval, development of a Community Resource Management Framework Plan, Annual Work Plan and Resource Use Plan (CRMF, AWP& RUP); and finally
- Initiation of stewardship work in the mangrove area under the CBFMA.

As of 2008, there have been 62 CBFMAs awarded to POs in Central Visayas, Philippines covering an area of 5,500 hectares of mangroves. This data is continuously increasing as the government continues to award more mangrove areas through this instrument to peoples' organization.

Protected Area Community-Based Resource Management Agreements

The Protected Area Community-Based Resource Management Agreement (PACBRMA) is entered into by the Department of the Environment and Natural Resources (DENR) representing the government and organized tenured migrant communities or interested indigenous peoples in protected areas and buffer zones (upland and mangroves). PACBRMAs have terms of 25 years and are renewable for another 25 years. This community-based program (CBP) provides opportunities to organized tenured migrant communities and indigenous peoples to manage, develop, utilize, conserve and protect the resources within the protected areas and buffer zones. The tenure instrument is issued only within multiple use, sustainable use and buffer zones. However, the tenure holders may engage in protection and restoration activities in other allowable zones (such as the restoration zones) consistent with the Protected Area Management Plan (PAMP). This management plan contains the rationale for protected area establishment, proposed boundaries including buffer zones and designation of management zones including buffer zones with purposes, strategies and allowable uses.

The stages of the CBP implementation include:

1. Preparatory Stage – Includes information, education and communication campaigns, institutional linkages, identification of CBP areas and processing of and conflicting claims;
2. The People's Organization (PO) Formation and Provision of the Security of Tenure Stage – includes PO formation and application, processing and approval of the PACBRMA;
3. The Planning Stage – Includes preparation of the community resource management plan (CRMP) and affirmation of the plan; and
4. Implementation Stage – This stage implements the CRMP and the 5-year plan of activities as well as enhances organizational and institutional capacities.

Special Agreement in Protected Areas

The Special Agreement in Protected Areas (SAPA) is a binding instrument between the DENR through the PAMB as the first party and a second party which may be any of the following: 1) Indigenous Peoples, 2) Tenured Migrants, 3) Local Government Units, 4) Other Government Agencies (OGAs), and 5) other stakeholders such as corporations, cooperatives, business entities and NGOs.

The objectives of SAPAs are:

- To provide access and economic opportunities to indigenous peoples, tenured migrant communities and other stakeholders of protected areas thereby contributing to the reduction of poverty;

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- To optimize the use of protected areas consistent with the principles of sustainable development and biodiversity conservation in cooperation with stakeholders;
- To guide the development of appropriate zones of protected areas in accordance with their management objectives; and
- To generate revenues for the sustainability of protected areas management.

SAPAs use the Resource User's Fee System in Protected Areas, the amount of which is determined by the PAMB and affirmed by the Secretary of the DENR.

Special Forest Landuse Agreement

A Special Forest Landuse Agreement (FLAG) is a contract between the government and a person, authorizing the latter to temporarily occupy, manage and develop in consideration of a government share, any forestland of the public domain for specific use. FLAGs authorize all types of uses of mangrove forestlands other than the production of timber and non-timber resources. The uses may include, but are not limited to, warehouse siting, drydock/shipbuilding/shipbreaking site, industrial processing, landing site, water reservoir, etc. FLAGs have a maximum duration of 25 years and are renewable for the same period.

The qualified applicants include Filipino citizens and associations, corporations, cooperatives, partnerships or a juridical person, for which at least 60% of the capital is owned by Filipino citizens. Awarding these types of uses is subject to government bidding process.

The minimum entry fee for each type of forestland use is not lower than 5% of the zonal value of the area.

Forest Landuse Agreement for Tourism Purposes

The Forest Landuse Agreement for Tourism Purposes (FLAgT) is a contract between the DENR and a natural or juridical person, authorizing the latter to occupy, manage, and develop, subject to a government share, any forestland of the public domain for tourism purposes. Authorized special forest land uses, such as the establishment and operation of beaches, camp sites, ecotourism destinations, hotels and other tourism facilities, can be undertaken for a period of 25 years. The contract is renewable for the same period upon mutual agreement by both parties.

The only difference between the FLAgT and a FLAG is the entry fee, which is based on the area and the highest entry fee offered by the applicant. The minimum entry fee schedule is:

- 0.5 ha and below - 25,000.00 PhP
- 0.51 to 99 ha - 50,000.00
- 1.0 to 5 ha - 100,000.00
- Over 5 hectares - 150,000.00

Process & Issues

Lands & Resources

The coastal resources that are conserved or managed by the agreements are the mangroves trees, other minor mangrove vegetation and the associated terrestrial fauna.

Threats

The primary threats to mangroves forests and other mangrove resources in the Philippines that are addressed by the above-mentioned agreements are:

- Conversion of mangroves to fishponds and saltbeds;
- Reclamation of mangrove areas for various developments;
- Pollution and siltation;
- Dikes and structures obstructing waterways and tidal inundation;
- Disturbance due to gleaning and fish landings; and
- Overexploitation/utilization.

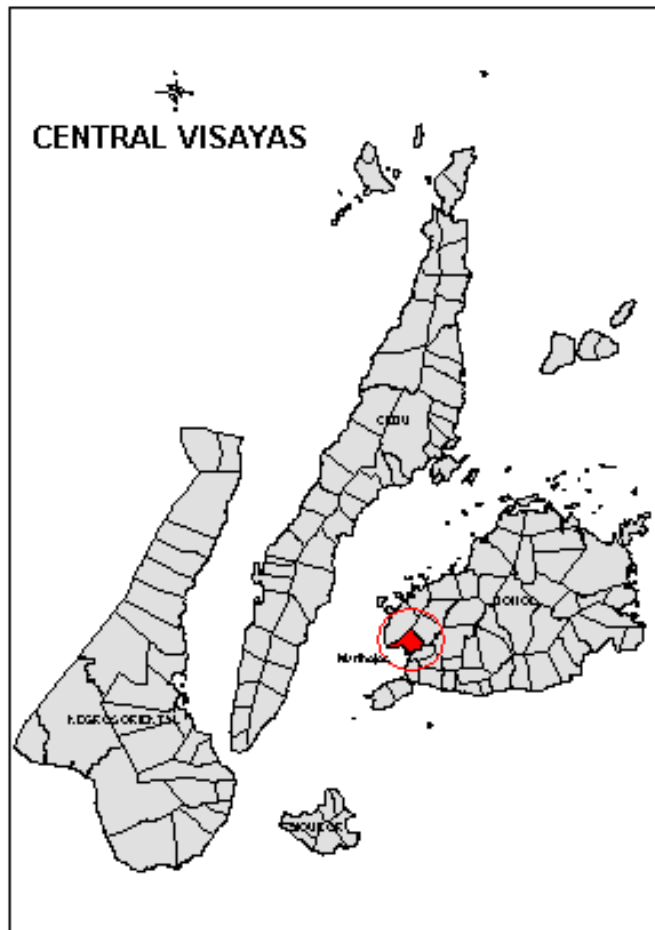
Organizational & Partner Capacity

The specific resources needed by the projects under the different tenure instruments are mostly financial. Other important elements needed by instrument-holders include capacity building through training and cross-visits to pilot sites put up and assisted by special projects acquired through government and/or private organizations, institutional arrangements, and development of resource and social mobilization systems. The resource support for the enhancement of private tenure instruments have been nil since the implementation of the programs.

Opportunities

In Central Visayas, Phillipines, the support coming from the government and foreign-assisted projects have enabled the establishment and protection of 62 sites under CBFMA, 7 sites under SAPA with more than 50 sites under applications, 4 sites under PACBRMA, 57 sites under FLAg and 8 sites under FLAgT. The opening of sites was based on perceived needs of stakeholders, reinforced by legislation and the strength of partnerships and collaborations through memorandums of agreement, leases and permits. In terms of medium and long term opportunities, more partnerships with non-governmental organizations towards supporting the people’s organizations in the implementation of their management plans is needed. Specifically in terms of capacity building in the areas of enterprise development and natural resource management, including solid wastes and sewage treatment. Replicating these strategies would surely give ample opportunities for the conservation, protection and effective management of mangroves and coastal and marine ecosystems. In so doing, enhancement of biodiversity and sustainable development can be attained.

Conclusion



Map Showing the Central Visayas Region

Scale

The private tools for managing mangroves in the Philippines have been implemented in all of the coastal regions in the country. Since these tools are community-based and involve stakeholder participation, the experience can be confidently applied on a regional and even at the global level.

Complementation

These strategies address people's empowerment and legitimize participation of the private sectors. Thus, partnerships and collaboration between and among stakeholders in the implementation of various coastal and marine initiatives are best complemented by participatory resource assessments, planning, implementation, and monitoring. Needs and gaps are filled as project implementation proceeds.

Lessons Learned

These private tools show that:

- Tenure instruments legitimize partnerships between the government and the private sector by conserving and protecting mangroves and other coastal and marine environment;
- Community-based tenure empowers communities to conserve and protect mangroves while providing them confidence to engage other private sectors;
- Partnerships in project implementation create capacity for stakeholders to manage coastal resources;
- The business side of mangrove management by communities continues to need strengthening as people's organizations have not achieved maturity in economic and environmental matters; and
- Absolute rights to mangrove areas (such as title) should not be given to people's organizations in the development process, because in some instances (while the projects are still under government control and supervision) the selling of individual members' privilege to occupy mangrove forestlands is occurring at project sites. Increased sale would likely occur if absolute tenure were afforded.

Recommendations

Based on experiences in the Philippines with private tenure agreements, recommendations to the global marine conservation community include:

- Provide technical and/ or financial assistance for the conservation of mangrove forests and resources as the last frontier in the protection of shorelines and coastal and marine ecosystems; and
- Support and/or participate in the furtherance of existing pilot sites and in the conservation of the Coral Triangle's ecosystem management and development of the Visayan Sea, Philippines presently initiated by some countries and private organizations working in Southeast Asia.