

NATIONAL AND LOCAL AGENCY ROLES IN COASTAL MANAGEMENT ACTIVITIES IN THE PHILIPPINES

Kem Lowry, Alan White, and Catherine Courtney

ABSTRACT

The Philippine Local Government Code of 1991 devolves most coastal management authority to the 832 coastal municipalities. Effective devolution requires both central government and local government to address key issues of authority, capacity, management resources, commitment of management officials, how coordination will be structured, and what mechanisms will be established to insure accountability. The available evidence suggests that central and local governments officials have effectively addressed some of these issues.

Introduction

Coastal management in the Philippines has devolved from central government agencies making most resource management decisions during most of the 1900s to the current situation in which many day-to-day management decisions and some policy decisions are made by local governments and communities. The national legislation most responsible for facilitating this transition to decentralization was the Local Government Code (LGC) of 1991. The LGC effectively assigned most coastal management authority to the 832 coastal municipalities, 57 cities, and 64 provinces that have jurisdiction in coastal areas. Further, the Fisheries Code of 1998 reinforces the local role by giving local government units (LGUs) authority over municipal waters to 15 km offshore. Since 1991, LGUs have increasingly become aware of their obligations under this devolution of authority. They are currently in the process of trying to improve their capacity to effectively assume this responsibility and to manage the resources under their jurisdiction. This process of "learning by doing" has forced LGUs to learn about their legal and managerial roles in the

process of planning and implementation. This devolution has also opened opportunities for the private sector through non-government organizations (NGOs) and businesses (such as tourism) to play a larger role in the coastal management process at the local level. The main question that remains to be answered is whether this new, more decentralized system is more effective than the previous management system. This paper identifies some of these institutional and policy issues shaping coastal management in the Philippines.

Dilemmas in Designing a Decentralized Management System in the Philippines

Theory and experience suggest that in designing a decentralized management system several key questions have to be addressed (see, e.g. Cohen and Peterson, 1999; Lowry, 2001; May and Burby, 1996; Ribot, 1999; Turner and Hulme, 1997).

- .. What management authority has been decentralized? Is authority adequate to engage in effective management? What management authority has been retained at the national level and in what agencies?
- .. Do LGUs have sufficient capacity to manage effectively? Are there capacity 'deficits'? What arrangements have been made to identify and address management capacity issues? How effective are they?
- .. What resources (personnel, equipment, etc.) are required for effective LGU management? Are LGU resources sufficient? What is being done by national agencies to address resource issues?
- .. How committed are local officials to effective management? How committed are national officials? What, if anything, has been done to induce or coerce commitment? How effective are these measures? How much political support is there for effective management? How is it changing over time?

- “ What mechanisms have been established to coordinate management activities among levels of government? To share information? To resolve conflicts? How effective are they?
- “ To whom are LGU officials accountable? National officials? What mechanisms for accountability have been established? How effective are they?

The legal authority to engage in management, the technical skills and management resources possessed by implementing officials, as well as their understanding of and commitment to coastal management objectives and strategies are among the critical variables that shape the effectiveness and sustainability of coastal management efforts in the Philippines. It is evident that authority, capacity, and commitment vary among local jurisdictions and between national and local jurisdictions nationwide.

Management Authority

Effective management requires that agencies have sufficient authority to engage in all the developmental, regulatory, revenue generating, and other activities associated with effective coastal management (Sabatier and Mazmanian, 1983; May, 1993; May, 1996). ‘Authority’ as used here refers primarily to the legal authority derived from Constitutional powers, statutes, or administrative guidelines. ‘Authority’ is also related to political legitimacy—the degree to which citizens regard laws, guidelines, or other authoritative mandates governing coastal uses and activities as valid expressions of government power.

The Local Government Code and the 1998 Fisheries Code transfer a substantial amount of responsibility to local governments to engage in coastal management within a defined jurisdictional area of coastal lands and municipal waters to 15 km offshore. The practical question is whether LGUs also have sufficient legal authority to manage the land use and marine activities that degrade or deplete coastal resources and carry out their other and numerous management responsibilities. Given that the transfer of

responsibilities with the passing of the LGC and the Fisheries Code did not, for the most part, address the need for improved capacity and more resources, an inventory of responsibilities delegated to LGUs is useful. A partial list of coastal management activities delegated to Local Government Units is outlined in Table 1.

Table 1: Basic Coastal Management Responsibilities of LGUs

Type of Responsibility	Management Activity
Planning	§ Adopt a comprehensive land use plan § Reclassify land § Enact integrated zoning ordinance in consonance with approved comprehensive land use plan
Protection Conservation	§ Recommend to DA-BFAR the inclusion of certain parts of municipal waters as fishery reserves § Establish fisher refuge and sanctuaries in consultation with FARMCs § Undertake reclassification of lands § Undertake activities to manage: <ul style="list-style-type: none"> ~ Dynamite fishing and other forms of destructive fishing ~ Smuggling of natural resources products and endangered species of flora and fauna ~ Slash and burn farming ~ Activities that result in pollution. § Provide for maintenance of: <ul style="list-style-type: none"> ~ Communal forests and watersheds ~ Tree parks ~ Greenbelts ~ Mangroves ~ Implement other similar forest development projects subject to DENR guidelines.
Enact Legislation	§ Approve ordinances for basic services § Adopt pollution control measures § Adopt fishing ordinances in consultation with FARMC § Review ordinances enacted by municipal government § Enact a basic Municipal Fisheries Ordinance (MFO) delineating boundaries of municipal waters § Modify or amend exiting municipal fisheries ordinances to conform with Fisheries Code § Enact ordinances to manage small and medium commercial fisheries in municipal waters in the area from 10.1 and 15 km. from shoreline.

(Table 1. Cont'd)

Regulatory	<ul style="list-style-type: none"> § Issue permits for fishing vessels operating in municipal waters in the area from 10.1 and 15 km. From shoreline. § Establish the boundaries for municipal fisheries § Maintain a registry of municipal fisheries § Demarcate areas for fish capture, mariculture and/or fish farming § Grant new concessions, licenses, permits, leases, and similar privileges for the establishment or operation of fish pens, fish cages, fish traps, and other structures for the culture of fish and fisher products. § Issue permits for pearl farms. § Regulate activities relative to the use of land, buildings, and structures within the municipality § Implement solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation.
Enforcement	<ul style="list-style-type: none"> § Enforce rules and regulations relating agriculture and aquaculture § Prosecute violations of the provisions of applicable fishery laws § Enforce laws and ordinances relating to pollution control and protection of the environment.
Taxation and Revenue Generation	<ul style="list-style-type: none"> § Define the geographic criteria for application of LGU taxes and levies based on the location of the transaction or the operation of the branch, outlet or office. § Formulate special levies on real property and the procedures for allocating the proceeds. § Create special funds or special funds of the general fund
Extension/ Technical Assistance	<ul style="list-style-type: none"> § Provide extension and on-site research services and facilities related to agriculture and fishery activities § Provide support to municipal fishers through appropriate technology and research, credit, production and marketing assistance and other services
Intergovernmental Relations	<ul style="list-style-type: none"> § Intergovernmental Relations § Formulate with other LGUs having jurisdiction over municipalities bordering bays, lakes, and gulfs, a unified MFO for integrated resource management.
Relations with POs and NGOs	<ul style="list-style-type: none"> § promote the establishment and operation of Pos and NGOs § enter into joint ventures and such other cooperative arrangements with POs and NGOs § Enact appropriate ordinances in consultation with FARMC and in accordance with the National Fisheries Policy § Consult FARMCs in the enactment of municipal fisheries

Source: Department of Environment and Natural Resources, et al. 2001. *Philippine Coastal Guidebook No. 2: Legal and Jurisdictional Framework for Coastal Management*, Table 10.

As this partial list of local government coastal management activities makes clear, the bulk of management responsibility—and authority—has been delegated to LGUs.

At the national level, the two principal agencies with coastal management responsibilities are the Department of Environment and Natural Resource (DENR) and the Department of Agriculture—Bureau of Fisheries and Aquatic Resources (DA-BFAR). As Table 2 indicates these two agencies have retained authority over some land and water uses, management activities, and specific geographic areas and that there is some overlap of responsibilities between the two agencies

Table 2: Coastal Management Responsibilities of DENR and DA-BFAR

Type of Responsibility	Management Activities
Planning	§ Philippine Fisheries Code of 1998 mandates DA-BFAR to prepare and implement a Comprehensive National Fisheries Industry Development Plan
Regulation	§ DA-BFAR issues licenses for the operation of commercial fishing vessels § DA-BFAR is mandated to enforce all laws; formulate and enforce all rules and regulations governing the conservation and management of fishery resources, except in municipal waters; and settle of conflicts of resource use and allocation in consultation with the national FARMC, LGUs and local FARMCs. § DA-BFAR regulates conversion of mangroves to aquaculture § DENR regulates small size mining and quarrying § DENR issues leases foreshore areas § DENR regulates cutting of mangroves § DENR administers the Environmental Compliance Certificate

(Table 2. Cont'd)

Coordination and Consultation	<p>§ Philippine Fisheries Code of 1998 instructs DA-BFAR to coordinate with LGUs, FARMCs and other government agencies in the development, conservation, protection, utilization and management of fisheries of fisheries and aquatic resources.</p> <p>§ Philippine Fisheries Code of 1998 instructs DA-BFAR to coordinate with LGUs in the establishment of catch ceiling and/or closed season that includes municipal waters.</p>
Research/Training	<p>§ DA-BFAR is mandated to formulate and implement a Comprehensive Fishery Research and Development Plan</p> <p>§ DA-BFAR is mandated to recommend measures for the protection/ enhancement of the fishery industries.</p> <p>§ DA-BFAR is mandated to assist the LGUs in developing their technical capability in the development, management, regulation, conservation, and protection of fishery resources.</p>

Source: Department of Environment and Natural Resources, et al. 2001. *Philippine Coastal Guidebook No. 2: Legal and Jurisdictional Framework for Coastal Management*.

Problems with the Existing Distribution of Management Authority

Analysis of the existing distribution of coastal management authority among national, provincial, and local units of government suggests several issues to be resolved:

Lack of clarity about the scope of authority. Surveys conducted in 1996 and 2000 suggest that LGU staff are unclear about what their responsibilities really mean and how to go about fulfilling them (DENR, *National Policy*, 28). This lack of clarity is due to several factors: a) many LGU personnel are not well versed on the existing laws affecting coastal management; b) many personnel are not knowledgeable about what constitutes coastal management even when they were fully aware of the legal responsibilities implied; and c) in some cases the legal statements lack clarity and have implementing rules that are not easy to follow.

Several major jurisdictional gaps and conflicts inhibit effective coastal management. First, DA-BFAR has not found effective strategies for managing fisheries through LGUs in ways that

minimize continued over-fishing. DA-BFAR lacks the capacity to assist LGUs in their fisheries management planning activities. Second, there is continuing confusion over who has control over National Integrated Protected Areas (NIPAS) in coastal sites when they are declared for areas covering more than one local government unit (White, Salamanca, and Courtney, 2002). Third, there is confusion among the DA-BFAR and the DENR staff over how to resolve conflicts over conversion and restoration of shoreline areas under Fishpond Lease Agreements. Finally, there is uncertainty about how to manage foreshore areas. While the DENR has shared legal authority with LGUs, it has not found effective ways to involve LGUs in foreshore management.

A number of initiatives have been made to clarify the legal mandate of LGUs in coastal management. Several publications such as the "Philippine Coastal Management Guidebook Series" have been completed and disseminated to LGUs. These publications provide guidance to LGUs in how to carry out their ICM responsibilities. Second, the League of Municipalities has provided several national venues for workshops on the coastal management that have involved many of the municipal mayors and their staff. Third, most new significant laws such as the Fisheries Code have been made public through newspapers, radio, publications, and various forums. Finally, ICM training has been conducted in all project areas of CRMP, the Fisheries Resource Management Project (FRMP), and several other foreign-supported national projects.

Inconsistency and conflict between plans, programs, and legislation within and between local and national governments(DENR, *National Policy*, 29). The DENR, for example, has to balance conflicting responsibilities: The DENR is the national agency responsible for the "exploration, development, management, and conservation of the Philippines' forest, mineral, land, water, fisheries, wildlife, and other natural resources" (DENR, *National Policy*, 31). With this broad mandate, balancing exploration and development of natural resources with conservation

and management is difficult and numerous opportunities arise for conflicting policies and programs that affect coastal resources at the local level. Although the potential for conflict of interest exists within the mandate of the DENR, it is not so much a problem for coastal management as it is possibly in the forestry sector. However, the potential conflict of interest for the management of fisheries by the DA-BFAR is much greater because of the mandate of the DA-BFAR to ensure increasing fish production in spite of a significant nationwide declines in fisheries.

Some initiatives have been taken to reconcile conflicting mandates in the DENR and DA-BFAR. A series of workshops involving staff of the two agencies in 1998 and 1999 resulted in a joint memorandum that clarifies roles of the two agencies with respect to the Fisheries Code of 1998. Although this memorandum is a start, the new National Coastal Management Policy would, if adopted, provide much more opportunity to clarify roles of the two agencies as well as roles in relation to other national agencies and local government.

Lack of enforcement. Enforcement is a continuing issue. According to the DENR, "enough laws have been written to manage our resources, but enforcement is extremely weak. There are a number of reasons for this: the slow justice system, the system of 'incentives' that encourage people to break the law, lack of trained coastal law enforcement units and patrol assets" (DENR *Legal and Jurisdictional Framework*). Enforcement is hampered by a number of administrative factors. Lack of knowledge of coastal management on the part of enforcement staff is one key issue. Most enforcement officers are not well versed in the issues and procedures of coastal management. In addition, the size of the areas that requires patrolling is well beyond the capacity of LGU or national police officers to cover effectively.

Management Capacity

One of the most frequently cited reasons for not implementing policies through subordinate units of government at provincial and

local levels is that they lack the 'capacity' to carry out the required tasks (Cohen and Peterson, 1999; Lowry, 2001; Turner and Hulme, 1997). Capacity, as used in this context, usually refers to technical capacity. If implementing a policy or plan requires a particular technical skill, the organization will need personnel with that skill or the means to train people to develop it, providing that training is the narrowest and most obvious meaning of capacity building.

Technical capacity—and the personnel training and education required to develop it—is just one dimension of local capacity. A second important dimension is organizational strengthening. Organizational strengthening refers to strategies to alter management systems in ways that improve performance of specific tasks. Strategies for strengthening organizations include "improving recruitment and utilization of staff, introducing better management practices, restructuring work and authority relationships, improving information and communication flows, upgrading physical resources, introducing better management practices, and decentralizing and opening decision-making processes" (Grindle, 1997).

A third dimension of capacity building is institutional reform. Institutional reform means altering the rules by which organizations make decisions and carry out activities (Grindle, 1997). Institutional reform may include legal reform or development of new accountability systems. In natural resource management, a greater emphasis on collective self-management by users groups and the development of locally developed 'rules' to govern resource users are an example of institutional reform.

In the Philippines, most of the capacity building work focuses on technical capacity. National agencies, donor projects (such as CRMP), academic institutions (such as Silliman University), and NGOs have organized and run training programs for LGU staff focusing on key coastal management issues, management frameworks, and specific skills.

Issues in current capacity building efforts

In spite of substantial capacity-building efforts, particularly by donor agencies, academic institutions, and NGOs, a variety of capacity building problems persist:

Technical capacity building by national agencies is understaffed and under-funded. Realignment of DENR functions toward assisting local government implement environmental management systems has not been realized nationwide. Instead, training and technical assistance is provided in selected barangays through DENR's understaffed and under-funded Coastal Environment Program (DENR *Proposed National Policy*, 31). This chronic problem will not go away soon given the tremendous job to be done in assisting LGUs to implement CRM. This is probably why the extent of donor assistance in this capacity building effort through the DENR and the DA-BFAR is so large. While the difference between the need for capacity building and the ability of national agencies to provide needed assistance is substantial, some progress has been made (Courtney, White, and Deguit, 2002). Local Government Units are beginning to recognize the value of coastal management interventions as evidenced by increased budget allocations for CRM and implementation of local marine protected areas and other coastal resource management best practices. As one CRMP official put it, "We have provided them with many trainings—it's not only training but also financing them from resource management to planning to adoption of plans to monitoring and evaluation. It's really implementation where they are helped in this area, but they still need more assistance" (interview with E. Deguit, June 7, 2002).

Uncertainty administrative practices required for effective management. The relative newness of coastal management has created some uncertainty at all government levels about how to integrate new management practices into existing management regimes most effectively. This is particularly true for fisheries management which has always been quite isolated and not well integrated in coastal resources management. This is also

true for the need to integrate shoreline management for building pollution control and other development activities into the coastal management framework.

A number of efforts are being made to align the missions and administrative procedures among key national agencies. The Protected Area Management Boards (PAMB) of national protected areas are usually comprised of representatives of these different government bodies plus the private sector stakeholders. The joint memorandum order on the implementation of the Fisheries Code between the DENR and the DA-BFAR is a start at the national level. The Philippine Fisheries Code of 1998 provided for the creation of FARMCs (Fisheries and Aquatic Management Council) to act as consultative bodies of the LGUs in determining priorities on fishing activities of municipal fisherfolk and related activities. They also assist LGUs in the preparation of the Municipal Fishery Development Plans, recommend fishery ordinances, and assist in the enforcement of fishery laws. The DA-BFAR, LGU, and CRMP have worked together in establishing and strengthening the capacity of FARMCs to fulfill their role in CRM (Ablong, 2000, 3).

Lack of political will to implement an effective management system. Effective management requires an administrative culture in which it is possible to deny projects or prohibit activities that benefit a few but will result in current or future adverse impacts that threaten the sustainable use of coastal resources. Such a system requires both professional analysts and political support for 'good' management both within the organization and in the community. The history of saying no to development projects that benefit only a few has been very weak in the Philippines. Nevertheless, in recent years, there are several precedent setting cases in which large projects have been denied permits to continue because of political opposition. In contrast, many smaller scale projects were not properly screened and were allowed to proceed although these did not meet environmental standards. Too frequently,

key stakeholders are not well informed about the potential consequences of particular projects.

Changes in political leadership have sometimes shaped political commitment. The commitment of an LGU to implement ICM will vary from one administration to another. The implementation of some programs is related to the priority concerns in the development agenda of local government. If the new leadership does not consider CRM a priority, it will be difficult to sustain previous programs and initiatives (Indab, 2002).

Resources for Management

One obvious dimension of local 'capacity' that deserves particular mention is the adequacy of resources for local management (Cohen and Peterson, 1999; Lowry, 2001; Sabatier and Mazmanian, 1983). Given the new coastal management responsibilities under the Local Government Code and the Fisheries Act, local officials need the funds to hire new skilled personnel and train existing staff, hire consultants, and purchase or lease computers and software. They also need access to vehicles and boats for site inspections. Some management initiatives, such as improved means of domestic waste disposal, also require capital expenditures by local governments.

Under the new Local Government Code, LGUs have fiscal autonomy. LGU sources of revenue include: taxes, fees, and charges; a share of national taxes; a share of national wealth; grants and donations; domestic loans; credit financing schemes; investment income from development enterprises; and inter-government cooperation (DENR, *Legal and Jurisdictional Framework*, 38). While LGUs may impose taxes or fees for the use of municipal waters, the principal local revenue source is the share of internal revenue from the national government. Local governments are constitutionally entitled to 40% of all internal revenue taxes (DENR, *Legal and Jurisdictional Framework* 38). In practice, the LGU share is small. In a 1997 survey of coastal mayors, 80% identified lack of technical expertise and

75% identified inadequate funding for coastal management as key constraints (DENR, *Proposed National Policy*, 28). Another common factor intertwined with the problem of resources for management is that LGU staff do not know how to effectively utilize existing resources or know enough about the process of coastal management to prioritize the needed management activities.

Issues in generating resources for CRM

Developing adequate resources for local coastal management requires both increased revenue streams and setting priorities.

National and local agencies lack key management equipment and trained personnel. The shortage of Philippine National Police (PNP) patrol boats is just one example of the general shortage of equipment and other management resources. This example highlights the need for LGU planning and intervention. Anywhere in the country where there is some effective enforcement, it is because the LGU has provided a boat, crew, fuel, and then asked the PNP to assist. The PNP do not often provide the initial impetus for coastal law enforcement except maybe in urban hotspots or national priority sites.

Many LGUs lack a revenue generating strategy for coastal management. LGUs could augment national tax revenues by other revenue sources such as taxes and fees. The most promising sources of revenue through LGUs are user fees for entrance to protected areas declared through local governments, fishing licenses, permits for almost any use of marine waters, or shoreline areas related to fisheries and tourism. Many local governments have revised their revenue codes in accordance with provisions of the Local Government Code. Some have increased tax rates, fees, and charges. With increased rates and increased IRA shares, their revenues have generally increased. However, the costs of devolved services have also increased. As a result a number of local governments have incurred deficits (Legaspi, 2001, 22). It is not clear to what extent LGUs are using revenues

derived from coastal use fees and licenses for the maintenance of the resource base (i.e. coral reefs, marine protected areas, etc.).

Most LGUs have not set resource acquisition priorities.

Local coastal management is likely to require some new personnel and equipment. Most local governments have not identified resource acquisition priorities. This is most often because either the LGU does not value CRM as a need or if it does, it does not know how to begin or what kind of personnel are needed to make it work.

Developing Commitment

Research focusing on factors affecting the implementation of plans and programs has consistently identified the commitment of implementing officials as a key factor in determining successful implementation (Lowry, 2001; May, 1993, 1995; Sabatier and Mazmanian, 1983). Research also indicates that acquiring and maintaining commitment from lower level officials in a decentralized system is a continuing challenge. Reflecting on this analysis of efforts to decentralize in Florida, New South Wales, and New Zealand, May and Burby report that variability in local government efforts to either manage development in hazard prone areas or otherwise address risks posed by natural hazards is "a serious problem that results in half-hearted efforts and, in some instances, outright failure to comply with higher level mandates. In either case, lack of such commitment serves as a key obstacle to achieving sustainability with respect to natural hazards" (May and Burby, 1996).

Of course, what is perceived as 'lack of commitment' by central government authorities may be viewed by some local officials as strategic political resistance. Political resistance accounts for some of the variability in responses by local officials to central government mandates. Local political resistance has several possible sources. One is bureaucratic. Local administrators may not understand the need for programs mandated by central government or, to the extent that they understand them, may assign them lower priority relative to other local government activities

(Sabatier and Mazmanian, 1983). Getting local government assistance in enforcing coastal building setback requirements is a continuing problem in some countries in part because some local officials regard coastal erosion resulting from improperly located coastal structures to be a minor problem unrelated to coastal regulation (May, 1995). (In the Philippines, resistance to more rigorous foreshore management more often comes from the DENR which has a continuing interest in generating revenues from foreshore leases held by the national government).

A second source of resistance of local officials is the stringency of management mechanisms they are expected to impose. Local government officials may recognize the need for improved management of fisheries, for example, but object to administering a permit system or other regulatory program that imposes significant restrictions on local fishers. Finally, the political influence of local resource groups or political coalitions, such as aquaculture interests, may inhibit local government officials from implementing environmental management initiatives. The authority of central government officials may not be sufficient to overcome the influence of the local coalitions.

Local commitment can be coerced or encouraged. Failure to comply with national mandates can be punished by fines, reduced funding for local implementation, national pre-emption of management authority, and a variety of other means. Encouraging local commitment occurs by a variety of means such as including local officials in planning processes, providing incentives for effective local management in the form of awards, increased local funding, or increasing the range of local authority. Philippine national laws and policies are relatively silent on both inducements for improved local (or national) management or penalties for non-compliance. It is not clear what the DENR, the DA-BFAR, and other national agencies are authorized to do to encourage good management at the local level or what practical steps they actually take. National agencies do in fact spend much effort in communicating with LGUs about national laws and what the LGUs should be doing to

implement the regulations under a particular agency. National government agencies are quite persistent in this effort but the message often falls on deaf ears unless incentives are somehow provided. Incentives may take the form of promises for training and financial support in some cases or political favors in others. Often, the practice of "*utang na loob*" creates a culture in which favors are given with the expectation that they will eventually be repaid.

Issues in developing increased commitment to better management

Several issues in creating increased commitment have been identified:

Lack of incentives to encourage improved local management. The Local Government Code and the Fisheries Act, in particular, increase the scope of local government authority without providing much in the way of inducements to assume greater responsibility. Priority funding for projects to certified LGUs would be one such incentive (DENR, *Proposed National Policy*, 49). This is the plan under the CRM Certification scheme being tested by CRMP together with DENR and DA-BFAR. This proposal would make it possible for municipalities that have completed a basic set of activities in CRM to be certified as eligible to receive patrol boats or other incentives including additional national budget.

Lack of penalties for non-compliance with coastal management mandates. There are few penalties for local non-compliance with coastal management mandates. The official penalties are spelled out in the laws affecting coastal resources. There are cases when the national government has penalized LGUs for blatantly breaking national laws affecting fisheries or other aspects of CRM, but this is rare. However, examples of improved coastal management are almost always locally driven rather than because of national government incentives.

Intergovernmental Coordination/Collaboration

Effective coastal management requires inter-governmental coordination, collaboration, and conflict resolution. This is particularly true in the Philippines where both national and local agencies share responsibility for management as is the case with fisheries. The issuance of fishpond lease agreements by the DA-BFAR without adequate consultation with LGUs is a case in point (DENR, *Proposed National Policy*, 32).

Several important initiatives have been undertaken to coordinate activities of national agencies. First, the DENR's establishment of the Coastal and Marine Office (CMMO) as the national coordinating office for all coastal and marine activities is a potentially important initiative. The CMMO is seen as a means for the DENR to assume more leadership and support for the LGUs. Second, the Fisheries Code of 1998 consolidated parts of many pertinent national laws into a single law that addresses fishing and the protection of aquatic ecology. The law "reconfirms that municipal and city governments 'shall be responsible for the management, conservation, development, protection, utilization and disposition of all fish and fishery/aquatic resources within their respective municipal waters,'" but leaves some aspects of the mandate to local governments unclear (DENR, *National Policy*, 34).

Third, the DENR and the DA-BFAR "signed a Joint Memorandum Order in mid-2000 that clarifies their respective authorities and jurisdictions over the management of fisheries and aquatic resources and requires the two departments to coordinate the implementation of the Fisheries Code" (DENR, *National Policy*, 34).

Finally, the "Medium Term Development Plan" (MTDP), under the jurisdiction of the National Economic Development Authority, provides a national results framework for improving CRM. The MTDP goals and objectives for coastal and marine resources target 250 LGUs along the 6,000 km of shoreline adopting integrated coastal management for the improved

management of municipal waters by the year 2004 (DENR, *National Policy* 34). However, the national government has not established guidelines for reporting results. The MDTP might also be used to coordinate national and local policies and programs.

Other national councils, committees, and task forces have the potential for contributing to greater coordination, but their effectiveness is uncertain. In fact, the Cabinet Committee on Marine and Ocean Affairs was recently abolished because of inactivity.

Issues in coordination, collaboration, and conflict resolution

Improved coordination and collaboration requires addressing several issues.

Overlaps and gaps in management authority.

Overlapping authority, such as in the regulation of fishponds creates uncertainty. From a national perspective, the big gaps are: the almost total lack of implementation of the EIA and pollution laws; the substantial failure of efforts to protect mangrove ecosystems; and, the lack of control in foreshore areas under the jurisdiction of the DENR. These are all DENR laws but all have a LGU component and thus show a lack of coordination between the DENR and the LGUs. On the fisheries side the almost complete lack of control of commercial fishing within municipal waters is a major gap that is mostly under the mandate of LGUs with assistance from the DA-BFAR. In addition, the links between over-fishing, fishing effort, fishing areas, and fisheries management plans are not being made in a concerted effort that involves the LGUs, the DA-BFAR, and the DENR.

Lack of recognized intergovernmental consultation, collaboration, and review procedures. While the national agencies have transferred a substantial amount of legal authority and management responsibility to LGUs, relatively little has been done to develop new organizational mechanisms to assist local government, to provide inter-governmental coordination mechanisms, or to establish procedures for reviewing local governmental management activities. "Personnel from key national

government agencies are located throughout all administrative and governance levels including national, regional, provincial, municipal, and barangay. The degree to which these agencies and their personnel interface and collaborate on CRM-related functions, however, is minimal with most of their functions carried out independently of each other" (DENR, *Proposed National Policy*, 33). The extent to which these groups interact to plan and implement ICM varies considerably from site to site around the country. In fact, there is a quite good collaboration in some areas where planning has been organized and facilitated by a body such as CRMP or another government project that sees the need to have all the stakeholders at the table. The types and frequency of coordination depend on many local and variable factors. Regional and provincial offices are important in facilitating coordination since they are often responsible for convening, planning, and implementing bodies for particular project areas.

Creating Accountability Systems

Reallocating authority and responsibility from central government departments to LGUs carries with it the assumption that those to whom responsibility is transferred will somehow be held accountable for their administrative actions (Agrawal and Ribot, 2000; Lowry, 2001). Hence, in its narrowest conception, accountability refers to procedures for officials in central government to scrutinize the management activities of local authorities. This concept of accountability also connotes that 'errors' or instances of 'non-compliance' by local officials will be identified and 'remedied' in some fashion.

Designing procedures for assessing administrative accountability requires answering several questions:

- " For what activities/decisions or behaviors will local authorities be held accountable?
- " What information about program milestones, program

activities, or coastal conditions is needed?

- .. What procedures are required for gathering, storing, and retrieving monitoring information (Olsen, et al., 46)?
- .. How will judgments be made about the appropriateness of administrative behavior?
- .. How will instances of non-compliance or inappropriate subordinate behavior be addressed?

Designing systems for administrative and fiscal accountability poses a number of practical and political dilemmas. Beyond the sometimes difficult practical questions of how to provide for continual monitoring of local agencies, there are political issues as well. Administrative monitoring is often seen by subordinate agencies as a labor intensive and intrusive process that does not adequately gauge either the level of effort or the quality of what they do. The indicators of effectiveness used by central government agencies are often regarded as invalid, incomplete, or irrelevant by local officials. Questions about the validity of an accountability process can turn to a more general critique of the legitimacy of central government scrutiny—and local government resistance to continued scrutiny by central government officials.

While administrative accountability is important, most contemporary observers regard it as just one dimension of a more inclusive system of accountability (Agrawal and Ribot, 2000; Turner and Hulme, 1997). Beyond formal legal conceptions of accountability, public officials, non-government organizations, community user groups, and others with authority to implement environmental programs generally and coastal management programs in particular should also be held accountable. This suggests a broader conception of political accountability. But to whom should implementing officials be accountable? And what are the means of achieving such accountability?

The most obvious form of political accountability is scrutiny by elected officials at all levels. Legislative bodies hold hearings, review reports, and consider new legislation. Legislative forums are an opportunity to identify problems, including those related to intergovernmental structures or processes. The notion of political accountability is based on the assumption that administrative officials are responsible not just to elected and appointed officials but to the multitude of stakeholders whose lives are affected by the implementation of environmental programs. A broader conception of political accountability raises several questions:

- “ How open are the agency planning and decision making processes?
- “ What opportunities for community or interest group participation does the agency offer?
- “ How much authority does the agency share?

Transparency of agency planning and management activities is one obvious dimension of political accountability. Many agencies hold occasional public hearings and publish annual reports that provide a limited basis for public scrutiny. Others publish newsletters, establish procedures for assessing information systems, make maps readily available, and maintain sophisticated websites that provide detailed information about what the agency is doing.

Although there is no formal system for LGU compliance, the CRMP together with national government agencies, local government units, NGOs, and academic partners is developing a CRM certification process to assess the progress of individual LGUs in developing coastal management programs. As conceived by a multi-institutional working group, “certification is a voluntary process in which an independent third party provides a written certificate showing that a product, method, or service satisfies

certain predetermined requirements or criteria” (DENR, *Coastal Resource Management Planning*, 85). The proposed certification process identified benchmarks for three levels of accomplishment in CRM: beginning (1-3 years), intermediate (3-5 years), and advanced (5 or more years). The benchmarks are the key to self-assessment. For the beginning level, for example, the benchmarks include:

- “ Commitment to CRM as a basic service
- “ Budget allocated
- “ FARMC or other multi-sectoral organization formed
- “ CRM plan drafted
- “ Best CRM practices planned and initiated
- “ Background information for CRM consolidated and analyzed
- “ Issues identified and prioritized
- “ Coastal environmental profile complete with map and baseline data (DENR, *Coastal Resource Management Planning*, 87)

In the proposed CRM certification process, a provincial committee would review individual programs and recommend certification to a national or regional committee that would issue the certificate (DENR, *Coastal Resource Management Planning*, 86).

The proposed certification process makes LGUs accountable for explicit planning and management processes (e.g. local issue identification) and outputs (e.g. maps, CRM plan). Having specific benchmarks for different levels of program maturity also clarifies ‘next steps’ for local officials uncertain about how coastal programs should evolve. An additional advantage is that it makes it possible to provide

provincial or national recognition to LGUs making good progress and to reward them with additional funds.

In addition to the LGU certification, the proposed national resource management policy for the Philippines proposes a one time 'institutional audit' of national agencies. These 'institutional audits' are a form of accountability assessment. As proposed, the audit "identifies the agency's activities policies and procedures (including all departmental administrative orders, implementing rules and regulations, joint memoranda, and executive orders) that are consistent (or inconsistent) with the agency's mission statement and with ecosystem-based and integrated coastal management (DENR, *National Policy*, 48). A major purpose of the audit is to identify agency strengths and weaknesses in discharging coastal management responsibilities. "Any activities that are deemed to be inconsistent with the mission statement would then be altered or eliminated. Likewise, the audit would identify desired or required activities not yet initiated as well as activities or responsibilities that are not implemented sufficiently well to achieve the goals included in the mission statement" (DENR, *National Policy*, 48).

What has been proposed—LGU certification and institutional audits for national agencies—is a practical system for administrative accountability. It has the advantage of being tailored specifically for the Philippine situation.

Issues in Developing an Accountability System for Coastal Management

Uncertainty about the acceptability of the proposed system. It is not yet clear whether certification is regarded by stakeholders as an acceptable and manageable system for administrative accountability. It is now being implemented in two regions (Regions 7 and 11) and one province within region 4 (Palawan Province). A national system is being considered under the newly proposed Coastal and Marine Management Office (CMMO) in the DENR. Designing, implementing, and refining the system will take some time. LGUs are not accustomed to the

paper work, documentation, and the periodic recording of basic information that is required to make the system work. Baseline information is also essential in the process and must be collected, recorded, and updated as part of the municipal coastal database (MCD) being used by selected LGUs.

Limited scope of accountability. The proposed system focuses on patterns of administrative compliance. As useful as it is, it omits mechanisms for case-by-case review of potentially non-complying decisions or activities by LGUs or national agencies. Moreover, it conceives accountability as primarily a problem of administrative review rather as a larger political problem.

Limited means for enforcing compliance. The proposed review system provides a valuable means for detecting local planning and management processes and outputs that are not consistent with CRM 'best practices'. However, there is no legal means for forcing changes in behavior. The system relies on education and persuasion rather than on penalties.

Concluding Observations

The Philippines has embarked on an ambitious effort to design and implement a decentralized coastal management effort. The initial accomplishments are promising. Just over a decade ago a Local Government Code was enacted transferring legal authority to local governments to manage coastal uses and activities. Although there continue to be jurisdictional gaps and overlaps between national agencies, particularly between the DENR and the DA-BFAR, and between national and local government units, most of these jurisdictional issues are recognized and have been addressed in some regions. In addition, new coordination and collaboration committees have been developed at both the national and local levels. A great deal of technical assistance and training has been provided to local governments to strengthen management capacities. Regarding the generation of management revenues, local

government units have the legal authority to impose new taxes and fees, although national grants are still the primary source of local revenue.

Substantial challenges to effective institutional design and implementation remain. Nationwide there is great variation in coastal resource conditions, in the demands on those resources, and the effectiveness of local and national agency responses. Increasing the commitment of local officials to engage in effective resource management remains an enormous challenge. Much has been accomplished in building a framework for effective local coastal resource management. Much remains to be done.

Acknowledgment

Interview data provided by Professor Jojema Indab have been most helpful.

References

- Ablong, William E. 2000. "Coastal Resource Management Policy and Institutional Environment in Negros Oriental." Paper presented at the program and Policy Advocacy Group Forum in "Harmonizing Policy and Institutional Overlaps in Certain Legislation on Coastal Resource Management." Cebu City, Philippines.
- Agrawal, Arun and Jesse C. Ribot. 2000. "Accountability in Decentralization: A Framework with South Asian and West African Cases." World Resource Institute. Unpublished.
- Burby, Raymond J. and Robert G. Paterson. 1993. "Improving Compliance with State Environmental Regulations." *Journal of Policy Analysis and Management* 12, 4: 753-772.
- Cicin-Sain, Biliiana and Robert W. Knecht. 1998. *Integrated Coastal and Ocean Management: Concepts and Practices*. Washington, D.C.: Island Press.
- Courtney, C.A., A.T. White, and E. Deguit. 2002. Building Philippine Local Government Capacity for Coastal Resource Management, *Coastal Management* 30: 27-45.
- Department of Environment and Natural Resources. n.d. *Proposed*

- National Coastal Resource Management Policy for the Philippines. Draft.*
- Department of Environment and Natural Resources, Bureau of Fisheries and Aquatic Resources of the Department of Agriculture, and Department of the Interior and Local Government. 2001. *Philippine Coastal Management Guidebook No. 2: Legal and Jurisdictional Framework for Coastal Management*. Coastal Resource Management Project of the Department of Environment and Natural Resources, Cebu City. Philippines, 94p.
- Department of Environment and Natural Resources, Bureau of Fisheries and Aquatic Resources of the Department of Agriculture, and Department of the Interior and Local Government. 2001. *Philippine Coastal Management Guidebook No. 3: Coastal Resource Management Planning*. Coastal Resource Management Project of the Department of Environment and Natural Resources, Cebu City. Philippines, 94p.
- Grindle, Merilee S. 1997. *Getting Good Government: Capacity Building in the Public Sectors of Developing Countries*. Cambridge: Harvard University Press.
- Kay, Robert and Jackie Alder. 1999. *Coastal Planning and Management*. London: E and RN Spon.
- LaVina, Antonio. G.M. 1999. *Management of Fisheries, Coastal Resources and the Coastal Environment in the Philippines: Policy, Legal and Institutional Framework*. PIRAP-ICLARM Working Paper Series 5.
- Legaspi, Perla E. 2001. *The Changing Role of the Local Governments under a Decentralized State: Some Cases in Philippine Local Governance*. Quezon City: NJP Printmakers, Inc.
- Lowry, Kem. 2001. *Decentralized Coastal Management*. Draft.
- Lowry, Kem. 1985. "Assessing the Implementation of Federal Coastal Policy." *American Planning Association Journal*: 288-298.
- May, Peter J. and Raymond J. Burby. 1996. "Cooperative versus Cooperative Policies: Comparing Intergovernmental Mandate Performance." *Journal of Policy Analysis and Management* 15, 2: 171-21.
- May, Peter J. 1995. "Can Cooperation be Mandated? Implementing Intergovernmental Environmental Management in New South Wales and New Zealand." *Publius* 25, 1: 89-112.
- May, Peter J. 1993. "Mandate Design and Implementation: Enhancing Implementation Efforts and Shaping Regulatory Styles." *Journal of Policy Analysis and Management* 12,4: 634-663.
- Ribot, Jesse C. 1999. "Framework for Environmental Governance."

- World Resources Institute. Unpublished.
- Sabatier, Paul and Daniel Mazmanian. 1983. "Policy Implementation."
In Nagel, Stuart, ed. *Encyclopedia of Policy Sciences*. New York:
Marcel Dekker, Inc.
- Turner, Mark and David Hulme. 1997. *Governance, Administration,
and Development: Making the State Work*. Houndsmills: Palgrave.
- White, Alan and J.L. Samarakoon. 1994. "Special Area Management
for Coastal Resources: A First for Sri Lanka." *4 Coastal
Management in Tropical Asia 2: 20-24*.
- White, A.T., A. Salamanca, and C.A. Courtney. 2002. Experience
with Marine Protected Area Planning and Management in the
Philippines. *Coastal Management 30: 1-26*.