

THE NIPAS LAW AND THE MANAGEMENT OF
PROTECTED AREAS IN THE PHILIPPINES:
Some Observations and Critique

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ABSTRACT

The passage of the Republic Act 7586 otherwise known as NIPAS Act during the Fifth Regular Session of Congress on the 22nd of July 1991 represented a significant move towards the management of protected areas in the country. Its Implementing Rules and Regulations were issued as DENR Administrative Order No. 25 (DAO 25) on 29th June 1992.

At the heart of the Nipas Act is the Declaration of Policy which underscores, among other things, "the critical importance of protecting and maintaining the natural biological and physical diversities of the environment, notably on areas with unique features to sustain human life and development, as well as plant and animal life." In view of the magnitude of this task, no less than the powers of the State are invoked in order to secure for the present and future generations of Filipinos "the perpetual existence of all native plants and animals." To this end, a comprehensive system of integrated protected areas within the classification of national park as provided for by the Constitution has been established, and henceforth known as the National Integrated Protected Areas System or NIPAS.

Its grand objectives notwithstanding, the actual implementation of NIPAS Law remains fraught with controversy and, in many cases, both its substance and implementation continue to be mired in conflict. This paper critically reviews the salient points of NIPAS, examines some of the inherent weaknesses in its provisions, and analyzes the problem areas that impede the effective compliance of its requirements which, on the whole, undermine the very intent of its establishment. In turn, this paper offers important suggestions, foremost of which is the call for a major change in attitude within the ranks of the DENR staff and the

other program implementors. Specifically, this change of attitude involves no less than a call for DENR personnel "to cease being known as enforcers of regulations, but to consider themselves as development workers". Finally, in judging results, the paper underscores the need for implementors to go beyond the step-by-step compliance of requirements and to pay equally careful attention to the achievement of objectives, while highlighting the importance of a truly participative and consultative process of managing the natural resources of this country.

Introduction

Protected areas are defined by law as "identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation." The National Integrated Protected Areas System (NIPAS) is described as "the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein and to maintain their natural conditions to the greatest extent possible."

It is stated in the Declaration of Policy of the NIPAS Act that "Cognizant of the profound impact of man's activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement and recognizing the critical importance of protecting and maintaining the natural biological and physical diversities of the environment, notably on areas with unique features to sustain human life and development, as well as plant and animal life, it is hereby declared the policy of the State to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution." The Section further states that the use and enjoyment of the protected areas must be consistent with the

principles of (conservation of) biological diversity and sustainable development.

Parks management issues prior to the passage of the NIPAS Act

The NIPAS Act is envisioned to offer a better alternative to the way protected areas or parks and equivalent reserves were being managed before 1992. Magno (1979) and Pollisco (1982) summarized the major issues in park management, pre-1992, in their papers, which were published in *Likas-Yaman*, Journal of the Natural Resources Management Forum. These issues include the lack of a clear cut definition and criteria for selection for the establishment of national parks; the need for better management of parks and equivalent reserves; lack of funds; inadequate manpower; presence of illegal settlers; inadequate protection; resource exploitation; and, the lack of clear park and equivalent reserves boundaries.

In response, Magno (1982) proposed a number of major recommendations which later provided much of the substance of the NIPAS.

1. National Parks and National Recreation Areas should be managed to preserve the natural environments for their continued use and enjoyment;
2. The administration of areas within the national parks system should be undertaken by a government agency advocating the single-use concept in national parklands. This agency should have powers to plan, develop, and regulate all activities within the areas, as well as the privilege to raise its own funds for operations and development projects.
3. The protection and development of national parks, na-

tional recreation areas, and equivalent reserves should proceed according to the following guidelines:

- a. A preliminary survey to determine the approximate boundaries of national parks should be undertaken before any plans for development may be initiated;
 - b. A master plan based on resource base inventory must be prepared which will identify the location and extent of physical resources, designate land-use zones, detail specific protection needs, and make guidelines for the location and types of development appropriate for these areas;
 - c. The actual development of national parks should be based on the priorities set in the master plan.
4. The development of national parks for tourism-recreation should be primarily oriented toward the enjoyment of the basic characteristics and properties that serve the intent and purposes of their establishment.
 5. National parks development should be properly managed so that the character, purpose, and/or theme unique to each park and attractive to tourists may be preserved.
 6. The system of national parks and wildlife areas should reassert its traditional role as preserver of the cultural and natural heritage of the Philippines.
 7. Area boundaries must include entire ecosystems.
 8. Ecosystem studies of the ecology of rare species should be conducted to provide the basis for better protection and biological data.
 9. Environmental impact assessments should be conducted in all areas where developments are to occur.
 10. Relocation of settlers to identified alienable and disposable lands should be undertaken immediately in areas where their numbers are still manageable.
 11. For areas where relocation is no longer feasible and where almost one-half is intensively exploited by more than a

thousand households residing in the area for more than 25 years, a special arrangement or a compromise has to be reached between the occupants and the park management authority.

12. Buffer zones are to be established in the presence of industrial activities to minimize adverse effects on the areas' environment.
13. For purposes of protecting, maintaining and general management of the park, the administrative office should be adjacent to or within the perimeter of the parks.
14. Boundaries of national parks should be clearly defined and marked.

Salient features of the NIPAS Act and its Implementing Rules and Regulations

The Law requires that one year from its effectivity, the DENR shall submit to the Senate and the House of Representatives a map and legal description or natural boundaries of each protected area initially comprising the System. The Law also provides that within three years from the effectivity of the Act, the DENR shall review each area tentatively composing the System as to its suitability or non-suitability for preservation as protected area and inclusion in the System according to the established categories.

DENR Administrative Order No. 25, series of 1992 enumerates the series of steps that must to be undertaken in establishing the initial components of the System and they are as follows:

1. Compilation of maps and technical descriptions of protected areas
2. Initial screening to determine suitability or non-suitability of each area for inclusion under one or more of the existing categories as provided for in the NIPAS Act.
3. Public notification directed towards the local

stakeholders such as the LGU, the NGOs, POs, and IPs informing them of the presence of the protected area within their area, the result of the initial screening, the NIPAS Law and its Implementing Rules and Regulations, and other relevant matters.

4. Initial consultations for presentation of topics related to the implementation of the NIPAS Law as well as its goals and objectives
5. Census (Survey) and registration of protected area occupants of the proposed protected area and buffer zones. The activity should establish basic census data, the ethnographic and tenure status of migrants and indigenous communities, as well as provide a basis for establishing buffer zones and planning alternative livelihood activities.
6. Resource profiling or the collection and gathering of information on the biophysical features of the area including topography, unique geological features, soil type, existing vegetative cover, and flora and fauna, particularly threatened and endangered species, as well as important nesting or breeding sites.
7. Initial Protected Area Plan. This is a compilation of information developed in the studies and from other available sources. This should include a land-use plan for each protected area, which has been developed in coordination with the Regional Development Council. Indigenous people, tenured migrants, and others within the adjoining buffer zones and nearby communities should be involved as partners in this planning process.
8. Public hearings on the proposed inclusion of each area under the NIPAS.
9. Regional review and recommendation. This provides the opportunity for any modification of the boundary or management plan to be made. After all require-

ments have been met and support for inclusion of the area in the System has been given, the DENR Regional Office shall prepare the draft presidential proclamation for the area together with all the attachments and forward the same to the Office of the Secretary.

10. National review and recommendation. The Secretary, based on the review and recommendations of the Regional Offices, shall recommend to the President areas for inclusion within the System.
11. Presidential proclamation. This proclamation is issued by the President on the basis of the recommendation of the DENR Secretary designating the recommended area as a protected area and providing for protection measures until such time that Congress shall have enacted a law declaring the area as part of NIPAS.
12. Congressional action. For areas recommended by the DENR Secretary and have been proclaimed by the President, Congress shall enact a law establishing the areas as part of the NIPAS.
13. Demarcation. Upon the enactment of a law defining and establishing a protected area, the boundary of the said protected area shall be established and demarcated on the ground with concrete monuments or other prominent physical landmarks or features.

The NIPAS Law provides that the System shall be placed under the control and administration of the DENR creating a Protected Areas and Wildlife Division in each Regional Office. This division will be under the supervision of a Regional Technical Director and shall include subordinate officers, clerks, and employees as may be proposed by the Secretary, duly approved by the Department of Budget and Management, and appropriated for by Congress. The Law further provides that "the service thus created shall manage protected areas and promote the permanent preservation, to

the greatest extent possible of their natural conditions."

Each protected area shall have a Protected Area Management Board, which will decide the allocations for budget, approve proposals for funding, decide matters related to planning, peripheral protection, and general administration of the area in accordance with the general management planning strategy. It shall be composed of the DENR Regional Executive Director under whose jurisdiction the protected area is located, one representative from the autonomous regional government, if applicable; the Provincial Development Officer; one representative from the municipal government; one representative from each barangay covering the protected area; one representative from each tribal community, if applicable; and at least three representatives from non-government organizations and, if necessary, one representative from other departments or national government agencies involved in protected area management

The Law calls for the drafting of a **general management planning strategy to serve as a guide in formulating individual plans for each protected area** (*emphasis added*). The management planning strategy shall promote the adoption and implementation for innovative management techniques including the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing, socio-economic and scientific researches, site-specific policy development, pest management, and fire control. It shall also provide guidelines for the protection of indigenous peoples, other tenured migrant communities and sites, and for close coordination between and among local agencies of the Government, as well as the private sector. **It also provides that each protected area shall have a management plan prepared by three (3) experts** (*emphasis added*).

Proposals for activities that are outside the scope of the protected area's management plan shall be subject to an

environment impact assessment. No actual implementation of such activities may be allowed without the required Environmental Compliance Certificate.

A trust fund known as the Integrated Protected Areas Fund (IPAF) has also been established for purposes of financing the projects of the System.

STATUS OF COMPLIANCE WITH THE PROVISIONS OF THE NIPAS LAW

Attached is a matrix showing the status of accomplishments related to the establishment and management of protected areas under the NIPAS (Table 1 and Table 2). It should be noted that there are separate matrices for the initial and additional or proposed components of the System. The matrices have the following as headings: REG or the Philippine administrative regions; NO. of IC or the number of initial components; COMP. OF MAPS or the number of maps which have been prepared; PH/PC or the public hearing or public consultation which have been conducted; PASA or the Protected Area Suitability Assessment (another name for Initial Screening) which have been conducted; CRPAO or the Census (Survey) and registration of protected area occupants completed; RBI or Resource Basic Inventory (Resource Profiling) conducted; IPAP or the Initial Protected Area Plan drafted; PAMB or the Protected Area Management Board organized; DRAFT PROC or the draft proclamations prepared; NEWLY PROC or the newly proclaimed protected areas; and PA BILL or protected areas bills which have been enacted by Congress into law.

As of February 28, 2001, the matrices showed 209 initial components (Table 1) and a maximum of 143 additional or proposed protected areas for inclusion (Table 2) in the System. This analysis of compliance to the NIPAS Law will focus on the more critical phases of the establishment of the System and these are the Initial Screening or the Protected

Area Suitability Assessment, the Census (survey) and Registration of Protected Area Occupants, Resource Profiling or the RBI, the IPAP and the PAMB.

The PASA (Protected Area Suitability Assessment)

The figures in the matrices show that PASA has been conducted in a large majority of the initial components (180/209) and in all proposed or additional components of the System (143/143). The statistics might be good, however, the quality of the information should also be examined. It should be recalled that the PASA determines the suitability or non-suitability of an area for inclusion in the System. If an area is found suitable, the PASA also indirectly determines the category of protected area under which an area may be included.

DENR Memorandum Circular 17 series of 1992 sets the guidelines for the conduct of the PASA. The document says that the conduct of the PASA involves three activities: (1) secondary data collection; (2) on-site observation; and, (3) interviews. The guidelines, however, contain a number of problem areas. For instance, PASA Form No. 1 is meant for on-site observations and has three sections – general information, natural features, and cultural features. Although there is an attempt to quantify the data collected from on-site observations, no clear-cut methodologies have been recommended so that data collected can be quantified and objectively reported. Likewise, the section on cultural features would require an observer with an expertise in anthropology. For example, the guide question on cultural features asks the observer to indicate the various cultural practices, beliefs, and traditions of people in connection with the use of natural resources. The answer to this particular guide question can perhaps be obtained from a secondary source. Yet, as everyone knows, culture and practices of people change over time such that what could have been true a few years back may no longer be true at the time that the PASA is being conducted.

PASA Form No. 2 is the interview questionnaire. It also has three sections—natural features, cultural features, and current programs/projects/activities. The section on natural features appears to be a repetition of the same section in Form 1, except that in this form, the information will be obtained through interview. If the same information may be obtained through on-site (meaning first hand) observation, getting the same information through an informant becomes a needless exercise. Similarly, the sub-section on flora and fauna calls for an enumeration of dominant and economically important plant species, the species of fauna, as well as nesting and breeding sites found in the area. Since the form simply requires no more than a simple listing of fauna or flora found in the area, answers such as cat, dog, carabao, goat, or horse are therefore not at all uncommon. Detailed instructions on how the questionnaire should be filled and distributed are lacking. Consequently, data are not systematically, scientifically, and quantitatively collected, leading to subjectivity in the resulting information.

Unfortunately, subjective as they may be, the inputs in Forms 1 and 2 are expected to be the basis for filling out Form No. 3, the final rating sheet in determining suitability or non-suitability of an area for inclusion in the System. The criteria used in the rating sheet include “representativeness” or whether habitat types are **representative** of the biogeographic zone of the area; “naturalness” or **percentage** of the area which is still intact; “abundance” or presence and number of individual per species of flora and fauna in the site (not only has the criterion become suddenly quantitative, but in this instance, it has gone to the other extreme by asking for the **number of individuals per species** of flora and fauna in the area!); and, “diversity” or the presence and number of flora, fauna in the site (*emphasis added*).

The results of all PASA activities which faithfully followed Forms 1 and 2 need to be closely scrutinized since

subjective and unquantified data are used for a rating system which needs quantified data.

The CRPAO (Census and Registration of Protected Area Occupants)

The CRPAO or the SRPAO (Survey and Registration of Protected Area Occupants) is the basis for establishing management zones and buffer zones and for the preparation of management programs including the identification of alternative livelihood opportunities. The CRPAO (or the SRPAO) is also the basis for determining who would be awarded the tenurial instrument for protected areas.

The objectives of the SRPAO are exacting: (1) to determine and attest to the **actual number** of occupants within the protected area; (2) to **establish the exact location** and approximate size of the home lots/farm lots of protected area occupants; (3) to check and **confirm the period of occupancy** over certain portions of the protected area; and, (4) to document/register the actual number of protected area occupants and households and the extent of area occupied during the census (*emphasis added*). It is clear from the objectives of the exercise that the intent is a 100% survey of protected area occupants. It appears in the summary report of accomplishments that the exercise has been completed in 123 out of 209 initial components and 73 out of 143 additional or proposed components of the System. The figures, however, are misleading since except for protected areas with no occupants, **no SRPAO has been 100% accomplished** (*emphasis added*). Without the SRPAO there will be no basis for awarding tenurial instruments for protected areas. The SRPAO should not be done piecemeal because awarding of tenurial instruments and other benefits should not also be piecemeal. Any deviation from the desired timetable will create distrust and destroy goodwill. Alternative livelihood opportunities are supposed to be one of the benefits accruing to settlers who qualify

for tenure. Without a complete SRPAO livelihood programs will be difficult to implement. It appears that one reason why the livelihood funds for the GEF-World Bank-supported Conservation of Priority Protected Areas Project are largely unspent is because of the failure of the project proponent to recognize that the survey of protected area occupants is a pre-requisite to the establishment of livelihood programs in PAs and that funds should be allocated for the exercise.

The RBI (Resource Basic Inventory) or Resource Profiling

DENR Memorandum Order No. 10, series of 1991 sets the guidelines for the conduct of Resource Basic Inventory (RBI) within protected areas. RBI is described as the collection, analysis, and synthesis of relevant information on the ecological, geological, physical, social, economic, and historic environment of a particular protected area. Its purpose is to provide comprehensive compilation of data for the development, management, use, and interpretation of protected areas. It shall also serve as a **pre-requisite for the preparation of a master plan** for a particular protected area (*emphasis added*).

A manual for the implementation of MO 10 was later released. On evaluation, the RBI manual showed bias towards flora and fauna assessment and **did not satisfactorily comply with the requirement that it should cover the ecological, geological, physical, social, economic, and historic environment of a particular protected area** (*emphasis added*). The sampling techniques for flora and fauna leave room for improvement. For example, the sampling intensity and how the sample plot, or transects, or collection areas can be distributed in the area being assessed were not indicated in the manual. The instructions for the Point-Center Quarter Method should also be reviewed since the instruction says that it should be used to sample understorey trees of less than 2 cm and overstorey trees of 20 cm DBH or bigger (*emphasis*

added). The terrestrial fauna assessment techniques did not indicate which methodology would be best for each group of vertebrate fauna, such as birds, mammals (volant and non-volant), reptiles, and amphibians.

The scanty information coming from the RBI will have serious consequences on the reliability of information that will form the basis for the preparation of the master (management) plan. Consequently, the need to generate more reliable data to be used in drafting the plan cannot be overemphasized. Results of investigations done by both local and foreign researchers on protected areas like Mt. Kitanglad, Mt. Apo, Mt. Guiting-Guiting, Northern Sierra Madre, Mt. Pulag, and Mt. Isarog, are potential sources of vital information, except that most if not all of these researches are products of independent efforts rather than carried out as part of the RBI.

The IPAP (Initial Protected Area Plan)

As indicated earlier and as provided for by DENR Administrative Order 25 series of 1992, the IPAP shall include the basic rationale for the protected area; the proposed boundaries including buffer zones; and, an initial designation of management zones, including buffer zones, with purposes, strategies, and allowable uses specified for each. There is an additional reminder that indigenous peoples (or cultural communities), tenured migrants within the proposed protected area, and nearby communities should be involved in the planning process.

All the initial studies and activities, such as the PASA, the CRPAO (SRPAO), the RBI are pre-requisites for the preparation of this plan. However, the pre-requisites have not been complied with satisfactorily. Without reliable information from the PASA and the RBI, the basis for the designation of management zones is open to questions. Where are the critical habitats, what is their extent and coverage, what species would be the focus of conservation and management pro-

grams, what is the distribution of these species within the area? Are only some of the questions that may arise. Without the complete survey of protected area occupants, more questions such as where the communities are concentrated, or what management programs will be implemented for them and with them, will continue to be asked.

The lack of information is further complicated by the fact that most of the IPAP were desk jobs and it is doubtful whether IPs and the communities were ever involved in the planning process. Tenured migrants definitely could not have been involved since there is no CRPAO which has been satisfactorily completed in areas with settlers and **the policy for the granting of tenure to qualified protected area occupants has not been issued, yet** (*emphasis added*).

The European Union-funded National Integrated Protected Areas Programme (NIPAP) has somehow overcome the lack of information through the 3D modeling exercise it conducted in the protected areas included in their Programme. The 3D model is a three-dimensional scale model of a protected area where the features such as vegetation type and coverage, location of bodies of water, roads and trails, settlements, land-uses, and other unique properties of the area are provided by key informants from the area itself.

The PAMB (Protected Area Management Board)

The summary of NIPAS accomplishments indicates that 91 out of the 209 initial components and 18 out of the 32 newly proclaimed additional areas of the System have Protected Area Management Boards or PAMBs.

Since DAO 25 has set the frequency of **PAMB meetings at once a month** (*emphasis added*), the DENR Regional Offices have been experiencing enormous problems in the organization and in the scheduling of PAMB meetings. There are many regions where the number of protected areas approach 30 and, there are some cases where the number is even

bigger. As the designated Chair of the PAMB, the DENR Regional Executive Director (RED) is expected to be present at PAMB meetings. But given the number of PAs in the region, this would require the RED to attend a PAMB meeting everyday, including Saturdays, Sundays, and holidays, in various areas which are oftentimes in considerable distance from each other. This would not only be a tall order for any official, it is downright physically impossible to happen. Although the authority to chair meetings can be delegated, the importance of the RED's presence in such meetings is widely considered significant.

There is also the financial side of the problem in holding PAMB meetings. There is a need to provide for the transportation expenses and allowances, as well as the food and accommodations especially of members from the low-income groups during the meeting itself. The DENR budget does not provide funds specifically for each protected area for PAMB operations. The decision to provide such funds rests solely on the discretion of the RED. In some areas, however, the involvement of LGUs and other organizations in assuming the financial responsibility has solved the problem of hosting PAMB meetings.

Attendance has also become a problem because of the waning interest of some members in attending such meetings due to lack of incentives such as allowances and reimbursement for travelling expenses. Another reason a reason for non-attendance in meetings is the conflict between the management objectives of a particular protected area and the economic interests of some members, especially as regards extraction or utilization of resources such as wood, minerals, or land. At the other end of the scale are those members who insist on remaining in the Board long past their term of office as PAMB member. This problem stems from the fact that the tenure of PAMB members is five (5) years while the term of office of LGU officials is three (3) years. It can happen, there-

fore, that there would be PAMB members who do not technically represent their local government.

The members of the PAMB come from different sectors. Some are not aware of what is expected of them and are not familiar with way the duties and responsibilities of board members are discharged. Hence, capability building for members so that they can become effective in the Board and in protected area management is of vital importance.

The Protected Area Superintendent (PASu) and Staff

Ideally, with the passage of the NIPAS Act, positions or items for the PASu and staff should have been created and funded by the government. This, however, has not materialized in the past ten years since the National Government embarked on a program of streamlining the bureaucracy. Except for some of the PAs under the foreign-assisted projects, most of the PASu and staff are only on detail to the PA from some other DENR units. The continuity of their service to the PA, therefore, is dependent on the need for their services in their respective mother units.

It has also been suggested that forest rangers from the forestry sector be assigned to protected areas to assist the PA staff. This has not materialized because, first, the proposal has not been officially submitted and, second, because it is unclear whether the persons holding the items would still have the physical ability or stamina to patrol the protected areas.

Boundary Delineation and Demarcation

No protected area boundary as of now has been demarcated on the ground simply because of the expense involved and no entity, whether foreign-assisted project or government-run, has planned and allocated funds for this activity. It has been estimated that PhP15, 000 to PhP17, 000 would be needed for every kilometer of protected area boundary demarcated. The figure for the demarcation of some 200 protected areas comes to about PhP2.6B. It will take a miracle

for the government to appropriate this amount for protected area management.

The Integrated Protected Area Fund (IPAF)

The IPAF is the trust fund created or established for the purpose of promoting the sustained financing of the System. The Fund includes taxes, donations, endowments, and grants, fees and fines, and all income/revenues generated from the operation of the System. Seventy-five percent of the income derived from the operation of a particular protected area accrues to the sub-fund created for the protected area and 25% goes to a general fund called the Central IPAF. The sub-fund for the protected area can only be disbursed for the protection, maintenance, administration, and management of the PA concerned.

The 01 February 2001 summary report on income generated by protected areas shows that only 51 protected areas generated some income for a total of PhP50M from the beginning. The biggest contribution to the IPAF came from the Ninoy Aquino Park and Wildlife Nature Center, which was able to generate PhP37.4M. The balance of this fund is only PhP9M. The next biggest grosser is Hinulugang Taktak National Park with total income generated at PhP6.2M over the same period. One marine protected area that has been realizing income is the Apo Island Protected Landscape and Seascape. For 1990, more than a million pesos have been collected. In this case, the share of the Park was partly released only after nearly a year.

The IPAF will not be able to sustain the maintenance of the System at current rate of income generation and the present number of protected areas that can generate income.

Management Plan

The Law prescribes that three (3) experts prepare the individual management plan for the protected areas.

Present realities, however, dictate that **management** plan preparation should be **participatory and consultative**. There have been in fact two occasions when the plan preparation was done in a **participative and consultative** manner and yet the **final output** was still questioned because a stakeholder group was **not involved** in the planning process. Except for **Olango Island Wildlife Sanctuary, Tubbataha Reef National Park, Naujan Lake National Park**, only the GEF-World Bank or the **European Union-supported PA projects** have draft **management plans**.

No management plan has yet been **approved** in the prescribed process and so **whether the plans** will be realized or not remains to be seen. It is expected that the EU-NIPAP drafted **management plans** will have fewer problems in implementation since they were drafted in a truly participatory manner. The different stakeholders through workshops had a **direct participation** in the drafting of the management plans. NIPAP also had the 3D models of the PAs which serve as reliable sources of information and **convenient management tools**.

The GEF-World Bank that supported the **CPPAP** project employed the services of a team to draft the **management plans** for their PAs. These plans would **most probably** already have the endorsement of the **PAMB** and will be approved by the Secretary, but as **experience** has shown, there will be more problems in their implementation because of the manner the plans have been drafted.

Where do we go from here?

A common practice at DENR is to judge **performance** according to whether a certain task or tasks have **been completed**. This manner of judging performance privileges the compliance of instructions over the achievement of de-

sired results or the attainment of objectives. It is usually enough that personnel comply with an instruction or that we have satisfied a key result area (KRA) regardless of whether the desired results have been achieved in the performance of the task. A good example of this kind of attitude is the way people comply with the step-by-step requirements that need to be taken in establishing protected areas within the System. Although a majority has reported compliance with the PASA and the RBI requirements, documents show that the objectives of these two exercises have not been met satisfactorily. Were the people who conducted these exercises aware of the desired output? In fact, were these exercises conducted at all? This last question is asked because if they were done, questions should have been raised.

The CRPAO is another example of the effect of this attitude. The conduct of the exercise has been given full credit even if only 1/100 of the task has been done. There has been no reaction from the implementors of this exercise no matter how much it has been stressed that only a 100% conduct of the CRPAO is acceptable and that it will be the basis for granting of tenurial instruments to qualified migrants. In the absence of a valid survey and registration of all protected area occupants, chaos will surely ensue in the granting of this tenurial instrument.

The rate of population increase in the Philippines does not show any sign of slowing down. There will be more people and less land to till. The migration of landless people to government lands including terrestrial protected areas will not end. It was envisioned in the DENR support policies that the organized communities receiving the tenurial instrument would at least be able to help stem the tide of migration into protected areas, but without the CRPAO there will be no organized communities to help in PA management.

The issue of organized communities brings up the need for DENR personnel especially in the Protected Areas and

Wildlife Service to undergo a major change in attitude and become effective community organizers. We have to bring to reality what past DENR Secretaries have often stressed that we have to cease being known as enforcers of regulations but rather as development workers. We have to stop the practice of registering peoples' organizations with the SEC and announcing that such groups are already organized. People have to be really organized and being organized means that they are empowered. Empowerment means that organizations can plan, implement, and monitor their own plans and programs. It also means that people can make their own decisions.

The idea of having a PAMB is for the communities and the stakeholders to help in PA management. The organization of a PAMB is a way of devolving the protected area management functions of the DENR to the PA stakeholders. Having representatives of organized and responsible groups or communities in the PAMB will certainly mean an active PAMB. The PAMB as a body, however, would also need some organizing and capability building for it to be fully functional.

The planning for protected areas, such as the preparation of the Individual Protected Area Plan (IPAP) should be strictly participatory and consultative if the intent is for the Plan to be implemented with the participation of stakeholders. Unless the stakeholders feel they own the Plan it would be difficult to implement at all.

The more technical requirements of the PASA and the RBI will be easier to solve. The Wildlife Conservation Society of the Philippines can perhaps play a crucial role in improving the methodologies used in the conduct of the above-mentioned activities. What would be needed is to put together a multi-disciplinary group of practicing experts in flora, fauna, geology, limnology, marine science, social science, anthropology, and other relevant fields to sit down, review, and improve on what is currently available.

As a trust fund for ensuring the sustained financing of the System, the IPAF and its potential for generating income for PAs should be taken advantage of by PA managers. With the help of policy makers in the Central Office, PA managers will have to be more imaginative and/or active in thinking of ways to generate funds for the PAs. User fees for water is one potential source of funds. Proper consultations with all affected parties should, however, be done to avoid misunderstandings. The government should invest more in protected areas to make them more attractive to tourists, both local and foreign. Any development, however, should be directed towards preserving and highlighting the natural features of protected areas. The development for tourism in protected areas should be in the form of facilities to help visitors enjoy nature. Development should do away with swimming pools, tennis courts, or basketball courts. More visitors to protected areas would mean a greater prospect for income from fees. However, fees for use of facilities should be within the reach of majority of the people.

A short review of the past issues in protected area management and their relevance to the present is given in Table 3.

Conclusion

We, at the DENR, have not been able to satisfactorily comply with the timetable of activities and the substantive intent for the establishment of the System as provided for by Law. It might be that the framers of the Law were too optimistic and took for granted the availability of resources at our disposal. It might also be because we are setting foot on unfamiliar grounds. There is a need to examine what has happened in the implementation of the Law, to dissect the critical activities, and to discover the flaws that need to be corrected. Nobody is perfect, there is always room for improvement. We will further lag behind in protected area manage-

ment and miss all opportunities to conserve our natural heritage, if we do not make the needed corrections now.

To our colleagues in the DENR and in PAWB in particular, we would like to state that this paper does not look at people but rather at activities. The senior author shares the responsibility for whatever shortcomings there are in the interpretation and implementation of the NIPAS Law.

Table 1. Summary of NIPAS accomplishments: Initial Components as of February 28, 2001.

Region	No. of IC	COMP. OF MAPS	PH/PC	PASA	CRPAO	RBI	IPAP	PAMB	DRAFT PRO
CAR	9	9	7	8	8	7	7	7	5
1	16	16	14	14	11	14	14	7	14
2	10	9	9	9	7	9	8	5	9
3	15	17	12	15	14	12	12	7	10
4-A	34	27	25	26	16	17	16	8	24
4-B	15	11	9	8	9	9	7	5	6
NCR	1	1	1	1	0	0	0	0	1
5	23	13	18	19	9	16	16	112	15
6	12	12	12	11	7	8	8	3	12
7	18	13	27	28	11	13	25	16	27
8	9	9	11	10	8	7	6	7	6
9	7	7	6	6	6	6	6	6	6
10	8	7	8	8	6	6	6	6	8
11	9	9	8	8	6	4	8	1	8
12	3	3	3	3	1	3	3	0	3
13	10	7	5	5	3	4	5	1	5
ARMM	10	3	1	1	1	1	0	0	0
TOTAL	209	173	176	180	123	136	147	91	159

Table 2. Summary of NIPAS accomplishment: Additional/Proposed Areas as of February 28, 2001

Region	COMP. OF MAPS	PH/PC	PASA	CRPAO	RBI	IPAF	PAMB	DRAFT PROC	NEWLY PROC	PA BILL
CAR	0	7	6	0	6	8	0	7	0	0
1	0	4	5	1	5	5	0	5	0	0
2	1	5	6	1	4	4	2	3	2	0
3	1	4	5	3	5	4	1	4	1	0
4-A	1	2	9	1	3	2	1	4	1	0
4-B	1	13	13	5	6	6	3	11	4	0
NCR	0	0	0	0	0	0	0	0	0	0
5	0	1	4	4	4	2	0	0	0	0
6	2	2	3	4	2	4	1	4	1	0
7	2	17	23	10	11	13	3	12	3	0
8	2	24	30	21	30	31	5	23	6	0
9	1	7	7	6	6	8	0	12	7	0
10	1	13	14	9	11	13	0	9	1	1
11	0	4	6	3	5	5	0	5	3	0
12	1	6	3	3	3	3	1	4	2	0
13	1	6	9	2	7	6	1	4	1	0
ARMM	0	0	0	0	0	0	0	1	0	0
TOTAL	14	115	143	73	108	114	18	109	32	1

Table 3. A short review of the past issues in protected area management and their relevance to the present.

Before NIPAS Law	Under NIPAS Law
1. Lack of clear cut definition and criteria for the establishment of national parks	1. The present criteria for categorizing protected areas are still not clearly defined with the consequence that more PAs fall under the category of "Protected Landscape"
2. The need for better management of parks and equivalent reserves	2. The foundation for better management of protected areas has been set. Instead of a centralized management of protected areas, we now have a decentralized system with the PAMB
3. Lack of funds	3. This is still a problem for major activities. Minor activities can be funded through the IPAF or through the creativity and resourcefulness of PA management
4. Inadequate manpower	4. Still a big problem. This can be partially solved if local manpower resources through organized groups and the PAMB can be tapped. The local stakeholders can be tapped for enforcement of regulations, for protection, as well as for community organizing and development activities.
5. Presence of illegal settlers	5. It is still an issue but if the SRPAO will be properly carried out, communities are organized, and tenurial instruments awarded, this concern can be minimized
6. Inadequate protection	6. Can be addressed with the help of local stakeholders
7. Resource exploitation	7. The NIPAS Law is clear on resource exploitation within Pas; besides the local stakeholders can help in the enforcement of regulations if they are organized.
8. Lack of clear-cut boundaries	8. Still a big problem because of the cost involved. Innovative solutions need to be sought.