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The Impact of Environmental Decentralization and its Critical Role in Mitigating Environmental Issues in the BARMM Region

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POLICY NOTES

THE IMPACT OF ENVIRONMENTAL DECENTRALIZATION AND ITS CRITICAL ROLE IN MITIGATING ENVIRONMENTAL ISSUES IN THE BARMM REGION

Abstract

With the enactment of the Mandanas-Garcia Ruling, LGUs are now presented with opportunities in the shape of a greater number of allocated resources with decentralized units given the authority to make expenditure decisions. Supplementarily, the LGUs are also given autonomy in the implementation of devolved functions. As such, given that the preservation of the environment and its natural resources are one of the devolved functions, it is very timely and paramount that BARMM implements varied environmental and climate adaptation policies to safeguard the region's resiliency. In consonance with this, the need to look at different reasonable levels of environmental decentralization within the Bangsamoro region will pave the way in formulating environmental policies with differentiated strategies catered to the needs of its constituents. However, while several LGUs successfully implemented the devolved function of ENR, several studies have concluded that the devolution of environmental functions to LGUs across the country is met with limited and partial success [13]. The same narrative can be applied to some extent in the context of BARMM's devolution of power to its LGUs.

Introduction

The Bangsamoro region is endowed with bountiful and rich natural resources yet to be discovered and developed. BARMM possesses most of the mangrove forests, which are vital weapons in the fight against climate change, in the Philippines alongside MIMAROPA [1]. Moreover, it is also home to many minerals and non-mineral resources that can potentially benefit the region's economic and financial stability. However, poor environmental management systems and excessive exploitation of natural resources can potentially degrade the terrestrial and marine biodiversity of the region. The abusive exploitation alongside industrialization and urbanization in BARMM can aggravate the occurrence of catastrophic natural disasters and other environmental problems that the region is facing. These all fall under human-induced biodiversity loss, which aggravates at an alarming rate. Unfortunately, as humans, we tend to improve the quality of life to the detriment of nature, a reality we all must address [4, 5].

Conscious of this problem, the BARMM has followed a comprehensive framework for sustainable developments in its development plan under chapter 12 on "Improving Ecological Integrity and Resilience of Communities." This is further

strengthened with the devolution of power and responsibility of Environment and Natural Resources (ENR) functions and management to the country's territorial and political subdivisions. In addition, the enactment of the Mandanas-Garcia ruling has made the devolution of ENR responsibilities more viable with the added resources to the region's Local Government Units (LGUs).

Devolution: Environmental Decentralization in the BARMM region

Devolution of power to the Local Government Units (LGUs) formally started with the enactment of the Republic Act 7160, better known as the Local Government Code, in 1991. It became a starting point of environmental decentralization with the purpose of capacitating and enabling LGUs with a higher power in decision-making and policy formulation tailored to the needs of their constituents. According to Agrawal and Ostrom, "Decentralization has emerged as a major strategy for many countries to provide social services, achieve development objectives, and undertake environmental conservation" [2]. It has become a trend for institutional and transformative changes many governments have taken across the globe [3]. On the basis of a study enacted by the League of Municipalities of the Philippines (LMP), there are three fundamental reasons why the ENR functions should be devolved: 1) It is obligated by the law as stipulated in Section 17 of the LGC, 2) It is an administrative necessity to prevent delivery gaps by improving the delivery of ENR services nationwide, 3) It is environmentally and politically the right thing to do [13].

In the context of the Bangsamoro Local Governance Code (BGLC), the term "devolution" alludes to the act by which the BARMM government grants authority and power to its constituent LGUs to carry out devolved functions and responsibilities. This is further stipulated in Section 10 of Article VI of the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (OLBARMM); the Bangsamoro government has the authority to regulate the affairs of its constituent LGUs with the goal of strengthening the power of supervision. One of the responsibilities devolved to BARMM is managing its environment and natural resources; maintaining the ecological balance in the region is one of the duties of the government agencies as stipulated in Section 25 of the Bangsamoro Local Governance Code (BGLC). Environmental decentralization is perhaps the most crucial step that the central government took to resolve environmental issues, among others. In consonance with that, Decentralizing ENR functions is imperative considering that BARMM's center of operations, which is Cotabato city, is far and distant from its constituent LGUs. More than that, operations and management are restricted due to the geographical sections of BARMM's LGUs being distinct: divided and scattered groups of islands. Hence, the detailed environmental affairs of each province under BARMM must be addressed with more focus and anchored on a grassroots type of governance to avoid the one-size-fits-all predicament that has materialized over the years of neglect and inefficient environmental governance.

What are the Devolved Functions?

The DENR will remain the agency tasked with the management, conservation, and development of the ENR sector within the Philippines. In the BARMM context, MENRE will embody the functions prescribed in lieu of DENR. Stipulated under the DENR Administrative Order No. 30, the DENR is mandated to devolve ENR functions to LGUs [13]:

- Pursuant to national policies and its supervision, control, and review function over the devolved functions as stipulated in the LGC.
- Strengthen its policymaking, planning, monitoring, and evaluation capabilities at the central and regional levels, and monitoring, evaluation, investigation, and prosecution capabilities at the regional, provincial, and community environment of pertinent rules and regulations and delivery of services, including the implementation of the devolved functions, programs, and projects;
- Provide opportunities for scholarships/training to LGU personnel working on ENR-related programs and activities;
- Make available its upland/forest management laboratories for the training of farmers and upland/forestry workers of concerned LGUs;
- Provide LGUs technical assistance packages;
- Protected areas and wildlife;
- Environmental management;
- Management of water resources;
- Mines and Geo-Sciences Development;
- Forest management function and program;
- Land management projects and programs;
- Enforcement of pollution control and environmental laws;
- Waste disposal and sanitary programs and projects;

- Formulate effective consultation mechanisms to facilitate project planning and implementation; and,
- In coordination with the LGUs concerned and non-government organizations (NGOs), formulate effective consultation mechanisms to facilitate project planning and implementation.

Significance of Devolving Functions

Since the enactment of the 1991 Local Government Code, we have seen increasing and improving participation of Local Government Units in managing the ENR sector. Devolving environmental governance in BARMM's LGUs is justified and encouraged because of the following reasons:

1. According to Bangsamoro's development plan, there are two factors affecting the region's natural environment and resiliency: (1) lingering vulnerability due to natural disasters, armed conflict, climate change, and (2) unregulated expansion of population [1]. These two factors are ample reasons why ENR functions should be devolved. On the one hand, natural disasters are one of the main culprits of the vulnerability of households in BARMM, as shown in table 1, alongside conflict and climate change; It creates a negative impact relative on the welfare and growth of the region. On the other hand, unregulated urbanization and population expansion threaten the ecological balance in the area. It exacerbates the condition of the environment because of the abusive exploitations of natural resources and the added burden of human-induced activities that pollute the environment.

Table 1: Status of Natural Environment in BARMM

Upstream Environmental Risks
<ul style="list-style-type: none"> • Forest/Land conversion and loss of natural habitats and biodiversity; • Overfishing and loss of marine resources; • Soil degradation and erosion; • Lower water availability; • Water pollution (application of fertilizers and agrochemicals); • Waste management; and • Health impacts from exposure to agrochemicals and other pollutants.
Downstream Environmental Risks
<ul style="list-style-type: none"> • Pollution (point sources such as emission to air and discharge of effluent); and • Waste management
Environmental Risks and Impacts Related to Industrialization and Urbanization
<ul style="list-style-type: none"> • Forest/ land conversion and loss of natural habitats and biodiversity; • Overfishing and loss of marine resources; • Soil degradation and erosion; • Less water availability and poorer quality; • Pollution (point sources such as emission to air and discharge of effluent); and • Waste management

Source: UBDP

2. It generates more jobs and social mobilization opportunities in provincial areas. As one of its devolved functions, the central government will have to designate human resources to its LGUs. Moreover, LGUs must also provide ENR offices in the region, which will provide more job opportunities in the said region. In the same way, it incorporates remote and isolated areas into broader involvements. It could improve the lives of the communities in secluded areas isolated from the country's

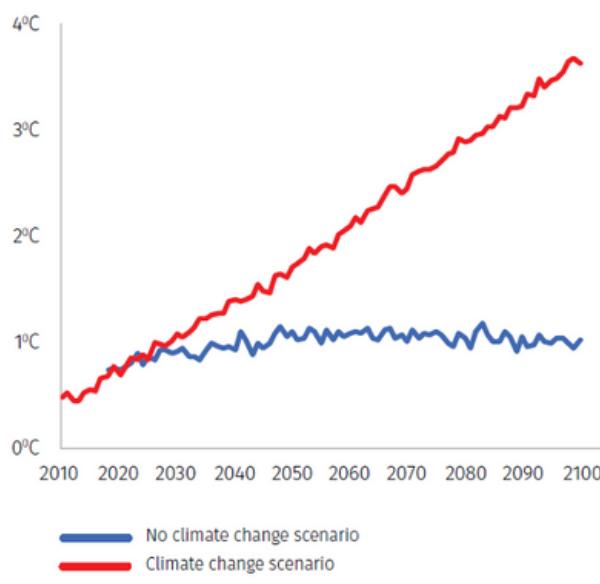
economic growth centers. Since most LGUs are situated in far-flung areas separated by bodies of water and mountains, even providing essential services to these areas will be a challenge. That being the case, environmental decentralization is the only viable option to achieve long-term sustainability in the ENR sector.

3. The repercussions of natural disasters and climate change in the BARMM region are serious. Thus, the devolving of functions is needed. Devolution of ENR functions enables LGUs and responsible actors to prioritize environmental problems that are recurring and in need of immediate attention. It is beyond question that LGUs have a better understanding of the environmental situation in their territories. As stated by Hermilando Mandanas himself in a news interview, "We know who's hungry, we know who needs a job, and we know what's needed here." LGUs in coastal areas in Tawi-Tawi, Basilan, and Sulu, for instance, can now enact ordinances and resolutions to protect their communities and natural resources. Furthermore, it encourages public participation in decision-making and formulating their optimal environmental policies. This, in turn, leads to healthy competition among the decentralized LGUs.

Climate change will have severe ramifications if left unattended. The BARMM government, through the devolution process, can mitigate the effects of climate change. Climate change has caused drastic changes in temperatures in the Philippines. Furthermore, it is expected to worsen over the years based on a projection (see table 2). Moreover, According to a study, climate change might have decreased the economic output in the country by about 25 percent. By 2075, it is expected to stifle the growth of the economy [16].

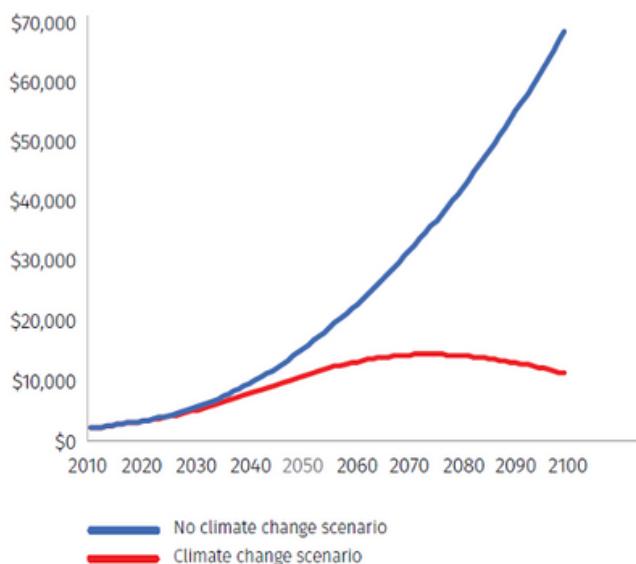
Looking at table 3, under the “climate change scenario,” most Filipinos will struggle to make ends meet and will fail to even reach the global middle class [17].

Table 2: Recent and projected increases in temperatures in the Philippines



Source: World Bank staff analysis

Table 3: Recent and Projected GDP per Capita for the Philippines



Source: World Bank staff analysis

4. There is an increase in the share of national government tax revenue transferred to LGUs as stipulated in the Mandanas-Garcia ruling. According to section 289 of the BGLC, the Mandanas-Garcia ruling states that “the Local government units shall have a forty

percent (40%) share in all national taxes based on the collections of the third fiscal year preceding the current fiscal year.” The increase in resources through the NTA will enhance funding of programs and environmental institutions that will address environmental matters. In addition to the block grant provided by the central government, the NTA provided to LGUs will further enhance the delivery of services and the implementation of devolved functions. LGUs are not in a position anymore to make excuses about the funding of the devolved functions. Despite this, this is only plausible through proper and effective budgetary allocation and commitment to the devolution of ENR functions.

Challenges to Devolving of ENR functions

Despite the innumerable advantages of devolving environmental functions and its promises of more participation and accountability, decentralized environmental governance faces a massive challenge when it comes to implementation as devolved functions stipulated in the Local Government Code are not met. Due to the lack of studies and research in the BARMM region, we have yet to see the materialization of environmental decentralization. In addition to that, with the scarcity of studies available and research about what has been done in the region, we can safely assume that there is little evidence that the BARMM government has essentially devolved all environmental functions to its constituent LGUs.

In reference to that, these are some of the challenges that the Bangsamoro Government would face prior to the devolution and in implementing effective environmental governance in the region:

- **Politics and leadership agendas and non-participation of communities** - According to a research study, local administrators in the Philippines generally disregard environmental concerns; it is not included in their top priorities [7]. Hence, there is a presumption that LGUs in the BARMM region might have a tendency to neglect environmental issues and a substantial interest and inclination to resist environmental decentralization; this tendency is detrimental as it can further deteriorate environmental issues in the BARMM region. On the other hand, those with the objective interest and will to change the status quo do not have the resources or power to do so. On top of that, oftentimes, the local communities are passive and continue to be “peripheral spectators or bystanders opting not to do anything to address the problem,” which is alarming given that we are supposedly the custodians and beneficiaries of the environment. There is also a lack of initiative from LGUs’ side to craft environmental policies, institutions, and programs catered to their needs. The same problem can be seen in the passive or non-participation by communities in crafting institutions that will affect the environmental management and use of resources.
- **Instant gratification over long-term goals**
- Because of the changing of local officials every three years, local administrations tend to focus their programs and efforts on goals that are conspicuous and recognizable. Most development goals focus on immediate rewards such as industrialization and economic stability.

Hence, the idea of prioritizing environmental issues is unpopular. This unpopularity is a challenge, as leaders would always tilt to secure economic stability or consolidate their position in the next election. Moreover, long-term environmental projects are not sustainable because of politics, which always revolves around successions and political squabbles [13].

- **Implementation and Compliance** - Even with the existing laws, processes, and systems for successfully devolving ENR functions, the BARMM government has to focus more on the implementation and compliance of the devolved functions of ENR. Indeed, Intergovernmental collaboration has its limitations; these include communication, alignment of goals, implementation, delivery of services, and many more. If the implementation is not rolled out effectively, it will lead to worsening gaps in service delivery which is very detrimental, as shown in table 2. Considering we are experiencing a historic collapse in a global health crisis, LGUs who fail to comply with the devolved functions will make it even harder to adapt to the accumulation of setbacks and problems we are already experiencing. As one of the devolved functions, the 10-year SWMP and MRF are consequential and pivotal. If LGUs in BARMM cannot even comply with their SWMP, what more can we say about other ENR functions that are more demanding and sophisticated.

Table 3: Number of BARMM LGUs with a 10-year SWMP and MRF, as of 2019

BARMM Provinces/LGUs	With Approved SWMP	With MRF
Maguindanao	28	28
Lanao del Sur	19	19
Basilan	6	6
Sulu	2	2
Tawi-Tawi	5	5
Total	60	60

Source: MENRE

Note: Excluding Cotabato City and the additional 63 barangays under BOI

- **LGUs technical capacity** - There is a need for capacitating the right people with work ethics and organizational values to handle regulatory and development projects; the LGUs often overlook this. Furthermore, some devolved functions are very technical and sophisticated, requiring the expertise and precision that is not available in the local unit [7]. DENR personnel that were devolved to LGUs across the Philippines were only four percent compared to 50 percent in other agencies [14]. If this is the reality we are facing in the national context, then the likelihood that the same problem will occur in the LGUs under the BARMM government is high.
- **Limitations in Funding to devolve ENR functions** - As one key informant who was a part of the composition of the Bangsamoro Development Plan has said, “the BARMM government does not have any problem with funding ENR functions because of the block grant and the additional funding of the LGUs as a result of the Mandanas ruling.” The problem lies

not with the funding but with the implementation and compliance. Nonetheless, we still can't rule out the possibility of the financial capacity of LGUs being limited and might hinder operations and implementation of projects [7]. Aside from that, not all ENR functions, programs, and activities have adequate funding from the LGU because of the LGUs inability to secure or generate adequate revenues to support the operational costs of devolved functions [15]. Nevertheless, with the NTA allocated to LGUs and the block grant, LGUs can no longer avoid the responsibility of implementing the devolved ENR functions.

Planning the Initial Steps to Environmental Governance

Foremost in the paradigm shift of environmental decentralization is the change in thinking accompanied by the right attitude of the administration in the regional government and with its LGUs. Furthermore, when thinking of sustainability, the first thing that must come

to mind is the welfare of people and the environment. Hence, we all ought to act in accordance with the core values we all cherish and rekindle the moral responsibility we all must abide by to protect the environment. In addition to this, addressing the weaknesses and accepting failures in planning must be the first step the BARMM government should take in managing the transition and implementation of environmental decentralization.

We must strive for an adaptive transformation that will secure our environment and the security of our people. As such, the BARMM government can emulate LGUs in the Philippines with a stellar performance and successful undertaking and experience when dealing with environmental governance.

- One example would be the Negros Occidental experience. Under the leadership of a staunch environmentalist, Governor Rafael L. Coscuella, the region is applauded as one of the most successful in the matter of its environmental governance. He made the environment the centerpiece of his programs and created the Provincial Environment Management Office (PEMO), which waged war against climate change in the province [7]. An active leader in environmental governance will make a massive difference in the outputs managed, devolved services, scope of areas of service, alliance building, and many more. The vast discrepancy is further elaborated in a comparative assessment of accomplishments between decentralized functions of two provinces:

Negros Occidental and Capiz. The governor of Negros Occidental made every effort he could muster in dealing with the environmental issues of his province and did not compromise regulations but refined devolution through effective policies. On the other side of the coin, the leadership of Capiz was reluctant to deal with environmental matters and often settled for “minimum compliance.” This alone has made the difference.

The BARMM government could learn from this experience. In a study concerning the priorities of LGUs, environmental concerns did not make it through the central priorities in the local officials’ list (Metin and Bacalla citing Brillantes 1992). Consequently, the remedy should start with having a leader equipped with the knowledge of the “know-how” of environmental governance and the awareness of the impending danger and damage it will result in if left unchecked.

- In Nueva Vizcaya, the creativity and initiative of the provincial administration gave birth to the “Tree for Legacy” program, where the government provided ownership certificates as an incentive to tree planters on public and private lands. This gesture attracted legions of stakeholders advocating reforestation and has brought a different perspective to reforestation [8].

The BARMM government can emulate innovative breakthroughs made by LGUs in their respective areas relative to the management of natural resources. We must move away from repetitive behaviors and ostentatious outward shows of programs that are insignificant and superficial. For clarification, there is nothing wrong with tree planting, cleaning coastal areas, etc.; however, these programs are short-term

and lack real incentives and concrete benefits to the communities involved. In contrast, the “Tree for Legacy” program has transformed the lives of the people by reinforcing repetitive programs as acts of direct compensation to the communities. Gaining public trust and encouraging participation (igniting the culture of “Bayanihan”) is a challenge all LGUs, planning for environmental decentralization must overcome. One of the ways to revive the diminishing interest in these repetitive programs and the culture of “Bayanihan” in general is to look for innovative breakthroughs that are both transformative and inclusive. The “Tree for Legacy” is a homegrown program and an embodiment of the creative pursuit of innovative ways and exercise of political will by the provincial administration of Nueva Vizcaya.

- Threatened by the decline of production and environmental pollution caused by industrialization, the local government of Bukidnon has chosen to redirect its focus to natural resources management as a flagship program. The “ten-point program” would guarantee that future generations can continuously benefit from the municipality’s abounding and rich agricultural resource base. What is noteworthy about this project is tapping local volunteer talents instead of outsourcing external expert groups to prepare the program; all members had a shared practical vision crafted by the consensus workshop. The program was approved by the “Sanggunian Bayan” with members of the government, community leaders, and experts from various sectors in March 1998 and was deemed the first of its kind [9].

The BARMM must learn to adapt based on the needs of the region. Furthermore, it must also tap the contributions of the non-government sector. Hence, the BARMM can emulate the ten-point program to address any environmental issues it will encounter. The ten-point program is comprised of the following steps:

1. Organize an Ad-hoc multi-sectoral planning team
2. Determine the area of responsibility
3. Know the situation of the natural resources
4. Know the rules in resource use that apply in the area
5. Determine what motivates or discourages the people from managing the local resources more soundly
6. Know the good local management practices: what works? What doesn’t?
7. Conduct consensus building among all stakeholders
8. Prepare an action program document to guide annual planning and budgeting
9. Provide policy support to enforce the program
10. Organize the local workforce and partners [10].

- In the municipality of Arakan, Cotabato, the LGU, together with the Environmental and Natural Resources Council, has gathered resources to take control of their local watershed and create an agroforestry program. The ENRC has initiated the formation of barangay level ENRCs to implement programs at the grassroots level [10].
- Upon checking the devolved functions in barangays in the BGLC, the environmental services are mainly related to sanitation and

hygiene. Empowering communities through grassroots governance is indispensable and necessary when it comes to environmental decentralization; for this reason, the inclusion of the formation of barangay level ENRCs in the BGLC will improve the delivery of services and prevent the degradation of the environment at the barangay level.

These LGUs and the programs implemented in their respective territories demonstrate that proper environmental decentralization and management are the keys to addressing environmental issues plaguing the people in the BARMM region. Many performing LGUs were recognized in their effort to look for innovative practices in the “Gawad Galing Pook” for the ENR sector [13]. These awards are an embodiment of LGUs in implementing devolved functions and excellence in environmental governance. We have done it before in various neighboring localities of the BARMM region, and we can do the same in BARMM’s local government units.

Solutions and Recommendations

The devolution of Environmental functions in BARMM will still take considerable time and effort to materialize fully. According to section 543 of the Bangsamoro Governance Local Code (BGLC), five years after implementing the code, the government will bring forth a comprehensive assessment of the capacity of the LGUs. In addition, it will also bring forward guidelines and recommendations on effective collaboration between the Bangsamoro government and the Local government units (LGUs) in relation to the devolution process. The following recommendations could contribute to the adaptation of the devolved environment in the BARMM region:

A

Formulation of a regional policy obligating LGUs to allocate budget for ENR purposes [7]. With the expected additional resources from the NTA,

LGUs can now allocate the much-needed funding for ENR functions. That being said, even with the glad tidings of the Mandanas-Garcia ruling, there is no assurance that LGUs will devolve environmental functions even if mandated by the SC ruling and Executive Order 138. The implementation of the Mandanas ruling should not be seen as just a transfer of resources; rather, it should be seen as an opportunity to reinforce environmental decentralization and improve the delivery of social services in the Bangsamoro region.

B

Strengthening Environment and Natural Resource Offices (ENROs) across all provinces, towns, cities, and (possibly) barangays as a prerequisite devolved function. The compulsory creation of these offices will force LGUs to follow the devolved environmental functions. Supplementarily, the creation of ENR officers must follow suit. In the BLGC, the appointment of an ENR officer is mandatory, which is praiseworthy as it is optional in the Philippines Local Government code. This loophole has been abused by LGUs not operationalizing and devolving environmental functions. With this, the Bangsamoro government can also open its doors to the possibility of creating ENROs at the barangay level. The creation of an ENR office at the barangay level might seem farfetched but setting up ENR officers is doable as it only requires human resources with technical skills. This has been done and implemented in Arakan, Cotabato, with several barangays forming an ENR council with compelling results.

C

The implementation of “oversight mechanisms” for support, monitoring, capacitating, and supervision of compliance [7]. The BARMM government has listed in its Bangsamoro Development Plan (BDP) through MENRE that it will prioritize the Natural resources enforcement and regulatory program.

Its role is to ensure the strict compliance and enforcement of laws, regulations, and rules on natural resources [1] This program is one example of implementing various oversight mechanisms. One predicament the regional government will face is implementation and compliance. We have all the necessary support needed for a successful devolution of the ENR functions; however, we fall short in implementation and compliance. As a newly formed government, the Bangsamoro administration must establish various oversight mechanisms that will encapsulate the support, monitoring, capacitating, and, most notably, the supervision of compliance. Creating oversight measures to provide necessary support and supervise compliance should be implemented to provide a smooth and coordinated transition. The transitory provision on the gradual devolution will help. Still, the Bangsamoro government must institutionalize oversight functions to address the complexity of devolution while it is happening and not after five years after its implementation [7].

D

Igniting a culture of research in the region must be prioritized. The propagation of awareness and dissemination of knowledge plays a vital role in effective environmental governance. Successful environmental governance in LGUs is only possible through the culture of research and consultation with relevant actors and stakeholders. Oftentimes, LGUs are worried about exercising the devolved functions because the new delegated task is unrelated to their professional background.

E

Community mapping must be enhanced. "Community mapping," according to the Preston city council, is all about "involving residents in identifying the assets of their neighborhood." It promotes a sense of environmental and social responsibility within the locality. To cope with the arduous environmental management

tasks, the DENR and MENRE must have a mutual effort to strengthen and improve their strategic management alliance. Most importantly, public consultations and participation must take precedence to maximize the environmental operation and achieve long-term sustainability.

F

There is a need to review existing ENR policies. As days go by, the environmental issues we encounter will vary. Hence, policymakers must adapt to these changes to prepare the Bangsamoro people better. Moreover, there is a need to revisit existing laws and policies as overlapping and redundancy of mandates and functions are expected. Lastly, the Bangsamoro government must take heed and reflect on the lived experience of other LGUs and regional governments in the Philippines to better prepare itself for the impending and looming danger of climate change.

Consistency in Environmental Management

With the gradual transition of the BARMM government towards achieving full autonomy, it is expected that far more pressing issues will be prioritized. However, the Bangsamoro government has developed a sound plan for all levels of government and bureaus to improve the ecological integrity and resilience of the communities by strengthening the Climate Change Adaptation (CCA) and Disaster Risk Reduction capacities. While it is true that the progress made is slow, one can argue that true progress takes place with the right opportunity and time. As long as we are heading toward attaining long-term sustainability, it will come to fruition one day; we can only hope it's not too late. Furthermore, the regional government must not lose hope in the tenacity and determination of its LGUs to demonstrate that

devolution is one of the few viable routes towards effective environmental governance. In conclusion, the process of environmental decentralization must go beyond itself. The critical role of environmental decentralization and governance should be etched in everyone's minds. LGUs must exhibit, through effective policies, the "inherent power" of decentralization to create opportunities and transform lives.

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