

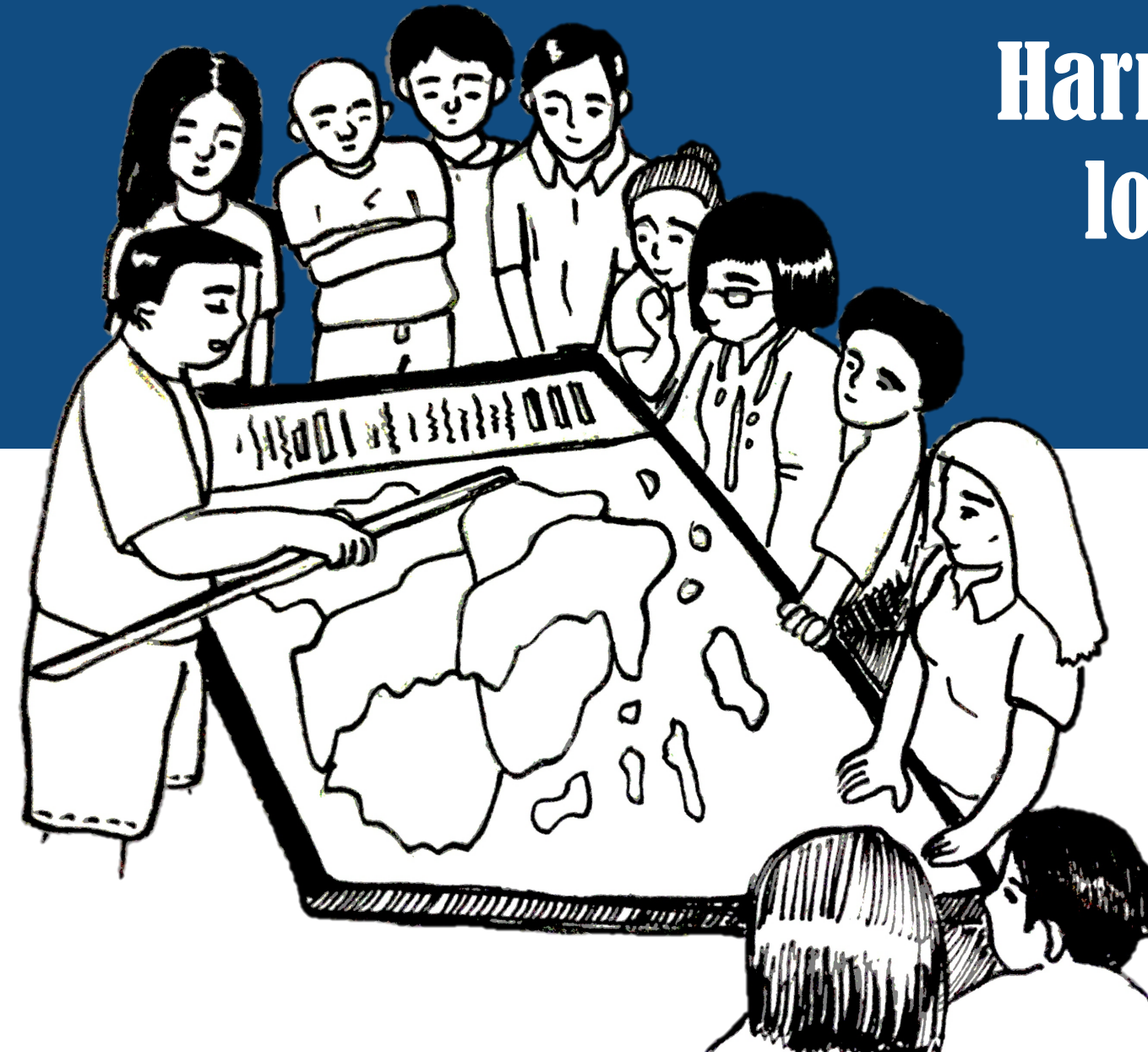
Landscape Governance Forum

Harmonizing community and local development plans¹

¹ This material was presented during the Landscape Governance Forum held in June 2019 in Cagayan de Oro City, Misamis Oriental in Northern Mindanao, Philippines as part of the project on *Improving Tenure Security of Smallholder Farmers in Select Areas in the Philippines*. This project is implemented by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) in partnership with Xavier Science Foundation, Inc. (XSF), with technical support from Global Land Tool Network (GLTN) as facilitated by the UN-Habitat. The initiative aims to secure the tenure of about 2,500 households of indigenous peoples in two municipalities in Bukidnon, Northern Mindanao. This project is funded by German Federal Ministry of Economic Cooperation and Development/BMZ and UN-Habitat as part of the “Secure Access to Land and Resources (SALaR)” program. The views indicated in this material do not necessarily reflect those of the GLTN and BMZ.



Harmonizing community and local development plans



Landscape Governance Forum

19 June 2019

Malberry Suites, Cagayan De Oro City

OBJECTIVES

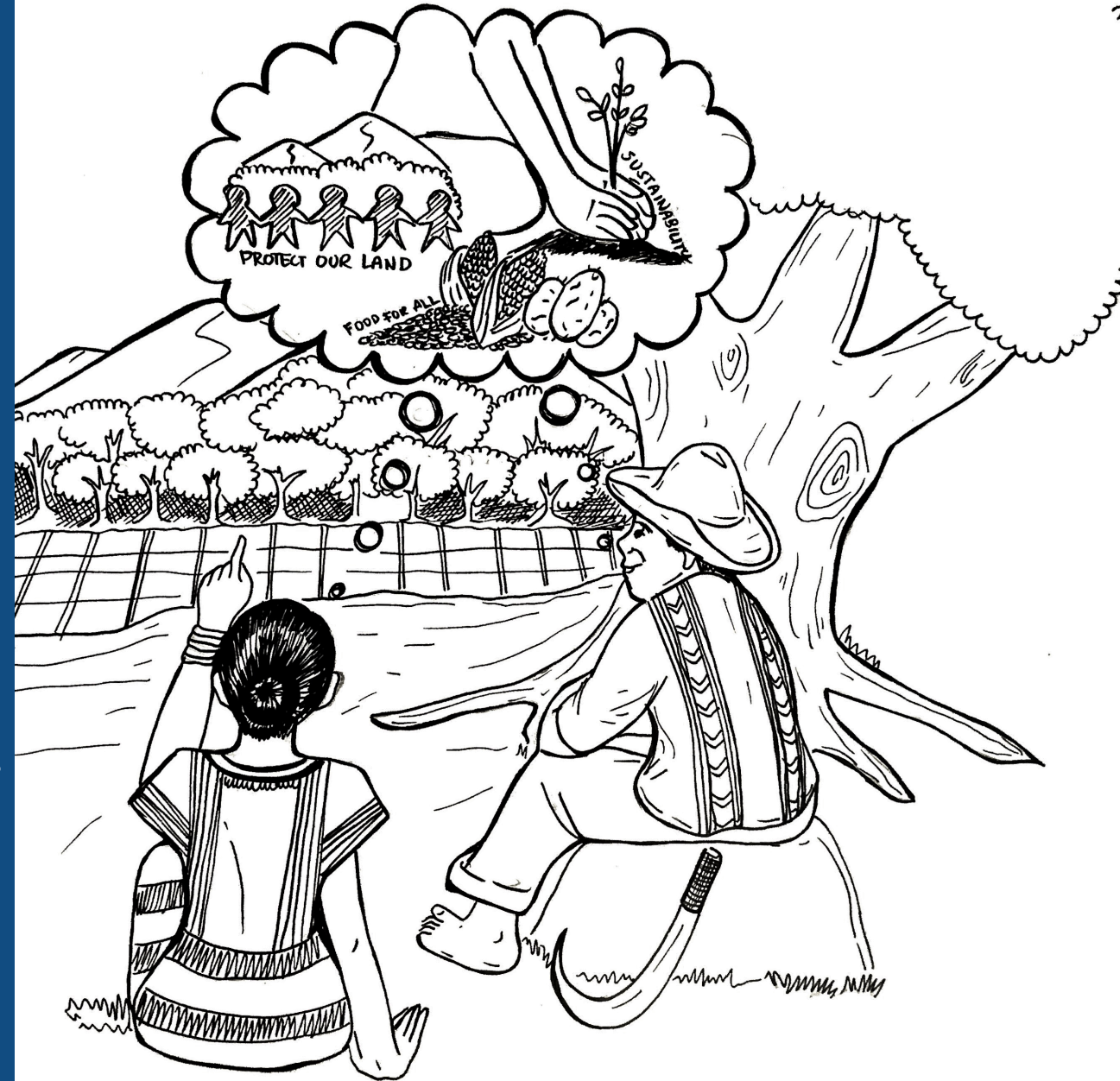
1. To understand land use planning in the Philippines and its importance in promoting tenure security
2. To understand the importance of harmonization of local community and development plans
3. To show the similarities and overlaps of forest use plans (ADSDPP and FLUP) and local development plans (CLUP and CDP)
4. To present and suggest ways to harmonize these plans

OUTLINE

- I. Concepts and relationship of land use planning and tenure security
- II. Planning system in the Philippines
- III. Similarities and overlaps of various local plans (CLUP, CDP, ADSDPP, FLUP)
- IV. Suggested ways of harmonizing local plans

I. Concepts and relationship of land use planning and tenure security

- a. Concept of land use planning
- b. Relationship of land use planning at tenure security
- c. Tenure-responsive Land Use Planning (TR-LUP)



CONCEPT LAND USE PLANNING

Land Use

“The manner of utilizing the land, including its allocation, development and management” (PSA, 2019).

Planning


Common sense definition

- way of thinking oriented towards the **future**
- designs **solutions** to address expected difficulties and thereby improve the quality of decision-making
- **systematic process** of establishing **ends (goals, policies, outcomes)** and the **means** that define future developments

Academic definition

- Allocation scarce resources, particularly land and other resources, in such a manner as to obtain the maximum practicable efficiency and benefit, for individuals and for society, while respecting the needs of nature and the requirements of sustainable future.

CONCEPT LAND USE PLANNING

ERNESTO M. SEROTE

PROPERTY,
PATRIMONY
& TERRITORY
Foundations of Land Use Planning
in the Philippines

Land use planning

- Rational approach of allocation available and resources as equitably as possible among competing use groups and for different functions... (Section 3(k) of UDHA).
- ***“proper management of land resources”*** (Serote, 2004)
 - “using land in a manner consistent with its natural qualities so that it does not lose its productivity while it is continually made to produce for the benefit of man and other life forms that depend on it”
 - “involves intervening in the decision that man makes about the use of land in order to promote the public interest”
 - “involves State regulation and control of certain activities that are inimical to the general welfare to ensure equitable access to land, and optimum enjoyment of the benefits of its use”
 - “as a responsibility of the State, land use planning can be placed within the overall context of public policy making”

CONCEPT LAND USE PLANNING

Has influence to **policies on land**
(GLTN, 2016)

Land use planning can be an
instrument to improve
tenure security (GLTN, 2016)



Land Tenure

- Relasyon ng tao sa lupa o likas-yaman
- May be legal or customary
- Example: *customary land rights; legal ownership (CADT)*

***Land Tenure Security* o Seguridad Katayuan sa Lupa**

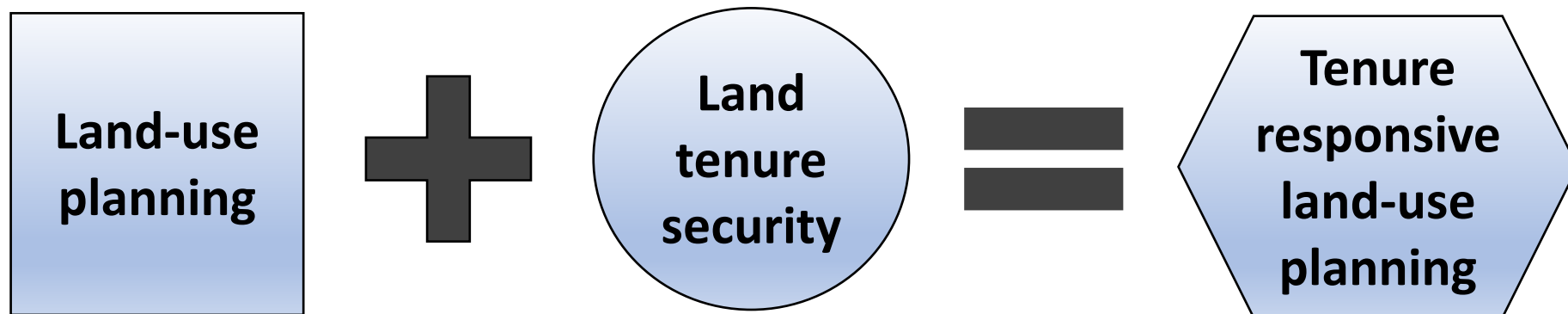
Land rights may be considered secure when the following conditions are met (Kumar, et. al., 2017):

- There is legally-recognized documentation; and,
- There is a perception of the security of tenure

TENURE RESPONSIVE LAND USE PLANNING (TR-LUP)

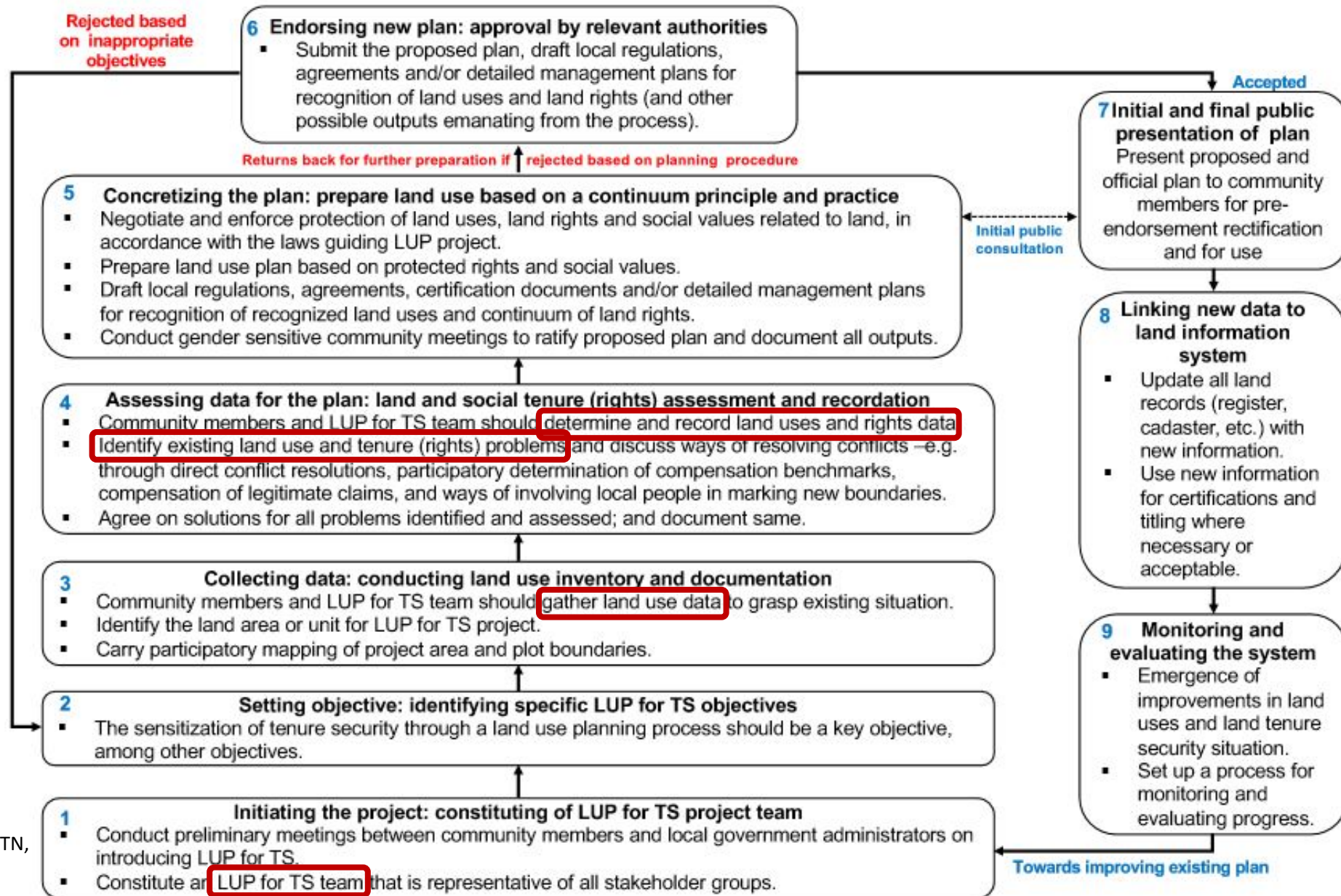
Tenure-responsive land use planning (TR-LUP)

- Guidelines developed by GLTN that serve as “a starting point for developing practical knowledge on how to improve tenure security” (GLTN, 2016).



Source: Chigbu, 2019

TENURE RESPONSIVE LAND USE PLANNING (TR-LUP)



II. Planning process in the Philippines

- a. Legal mandates of land use planning in the Philippines
- b. Processes of land use planning in the Philippines



LEGAL MANDATES OF LAND USE PLANNING IN THE PHILIPPINES

- **RA 7160 (Local Government Code 1991):**
 - mandates local government units (LGUs) to prepare, legalize, implement, provide budget allocation, and monitoring of ***Comprehensive Land Use Plan (CLUP)***, ***Comprehensive Development Plan (CDP)***, and ***public investment programs***
- **EO 72 (1993):** provides for the preparation and implementation of CLUPs in the local government units; and the review and approval of CLUPs by the HLURB and *Sangguniang Panlalawigan* (Provincial Council)

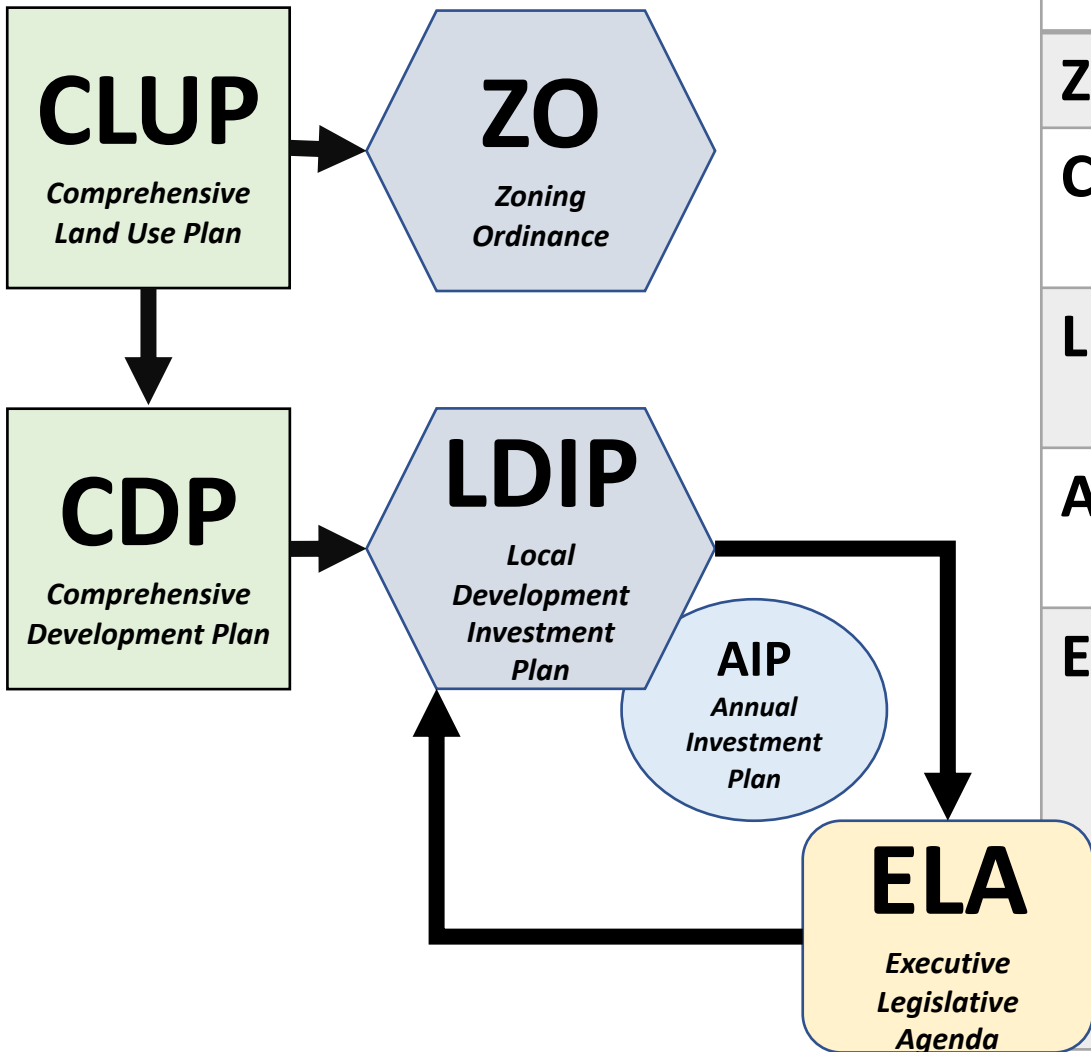
PROSESO OF LAND USE PLANNING IN THE PHILIPPINES

Importance of having a separate CLUP and CDP

- To have a *long-term* and *short-term* plans
- A *long-term* plan (*Comprehensive Land Use Plan*) remains in effect even after the incumbent officials have been replaced.
- The CLUP also serves as a reference in the formulation of *Comprehensive Development Plan (CDP)* which is the short-term plan (*maximum of 6 years*).
- CDP serves as the framework or the basis of programs/projects/activities to be included in *Local Development Investment Plan (LDIP)* and implemented by the *Executive Legislative Agenda (ELA)* of the municipal government.
- The LDIP and ELA are three-year plans of projects with indicating their corresponding budget allocation and duration of implementation.

PROSESO OF LAND USE PLANNING IN THE PHILIPPINES

PLAN IMPLEMENTING INSTRUMENT



CLUP	Nine-year plan on the governance of local territories identifying the areas for economic expansion, settlements, and protection.
ZO	Legalizes the land uses indetified in the CLUP.
CDP	Six-year action plan of sectoral programs, projects, and activities in accordance to the CLUP.
LDIP	Implements the CDP indicating the projects for implementation with allocated budget.
AIP	Annual plan implementing the projects from the LDIP (with corresponding allocated budget)
ELA	Three-year plan developed by the executive and legislative departments of the LGU laying out the course of actions and projects that will be adopted by the local officials. The reference material of the document is the LDIP. However, in some cases, the formulation of DLIP and ELA may be interchanged.

Both the CLUP and CDP are “**comprehensive**” as they consider all the significant sectors in the formulation of the plans (example: social, environmental, economic, infrastructure, etc.)

NGA-mandated plans	Other sectoral/thematic plans
1. Action Plan for the Protection of Children	1.Nutrition Action Plan
2. Aquatics and Fisheries Management Plan	2.ICT Plan
3. Annual Culture and the Arts Plan	3.Local Shelter Plan
4. Anti-Poverty Reduction Plan	4.Plan for the Elderly
5. Local Coconut Development Plan	5.Plan for Health and Family Planning
6. LDRRMP	6.Coastal Management Plan
7. Food Security Plan	7.Information Strategic and Management Plan
8. Forest Management Plan	8.People's Plan
9. Gender and Development Plan	9.Business Plan/Strategy
10. Integrated Area Community Public Safety Plan	10.Capacity Development Agenda/HRMD Plan
11. Local Entrepreneurship Development Plan	11.Transportation Management Plan
12. Sustainable Area Development Plan	
13. Local Tourism Plan	
14. Small and Medium Enterprise Development Plan	
15. SAFDZ Plan	
16. Solid Waste Management Plan	
17. Watershed Management Plan	
18. ADSDPP	
19. Plan for PWDs	
20. Forest Land Use Plan	
21. Local Climate Change Action Plan (LCCAP)	
22. Peace and Order Public Safety Plan (POPS Plan)	



III. Similarities and overlaps of CLUP/CDP, ADSDPP, and FLUP

- a. Similarities in the objectives, importance, and processes of the CLUP/CDP, ADSDPP, and FLUP
- b. Overlaps of the different plans – differences in the views of IPs and government



SIMILARITIES IN OBJECTIVES

CLUP	CDP	ADSDPP	FLUP
<p>For the management of land and resources through the formulation of guides and programs/projects for the development of these resources within the municipality.</p>		<p>For the governance and management of ancestral land and resources within it.</p>	<p>For the managements of development and protection of forests and forestlands (FFL)</p>
<p>Identifies areas for protection, production infrastructure, and settlements within the municipality.</p>	<p>Formulates plans on the implementation of programs and projects across the four policy areas of the CLUP.</p>	<p>Formulates and implements programs and projects that strengthen the governance of IPs, poverty alleviation, environmental protection, preserves culture, and maintain the peace and order within the ICCs.</p>	<p>Identifies main areas for production, protection, and other uses within the FFL.</p>

SIMILARITIES IN OBJECTIVES

CLUP	CDP	ADSDPP	FLUP
Uses the ridge-to-reef framework in the planning to ensure the linkage of forests, lowlands, and waters.		Consolidates plans of ICCs/IPs within the ancestral domain – which play a significant part/role of a locality or municipality.	Consolidates activities in the forests and lowlands.

SIMILARITIES IN IMPORTANCE

CLUP	CDP	ADSDPP	FLUP
For the interfacing of various plans on the use of critical resources in the forests, waters, ancestral domains, biodiversity areas, heritage areas, and urban greening areas . Local plans are also for the purpose disaster risk reduction and management and climate change mitigation .		The key roles of IPs in biodiversity conservation and protection of natural resources .	Proper management of FFL is important in the development of LGUs and in promoting and ensuring food security, biodiversity conservation, and reduction of the adverse effects of climate change.

All of these for the achievement of
“SUSTAINABLE DEVELOPMENT”

GENERAL PROCESS OF CLUP, FLUP, AT ADSDPP


Enhanced CLUP Guidelines 2013	Revised ADSDPP Guidelines 2018	FLUP Guidelines 2012
<p>Organize</p> <p>Identify stakeholders</p> <p>Set the Vision</p>	<p>Pre-planning consultations</p> <p>Organization of the working group/planning team</p> <p>Preparation of the work and financial plan (WFP)</p> <p>IP/AD development framework formulation</p>	<p>Preparing for FLUP</p> <p>Engaging LGUs for FLUP</p>
<p></p> <p>Analyze the Situation</p> <p>Set the Goals and Objectives</p>	<p>Data gathering and assessment</p>	<p>Community profiling and mapping</p> <p>Situational Analysis</p>

Figure adapted from
 edited from
 2017.

GENERAL PROCESS OF CLUP, FLUP, AT ADSDPP

Enhanced CLUP Guidelines 2013	Revised ADSDPP Guidelines 2018	FLUP Guidelines 2012
<p>Establish Development thrusts and spatial strategies</p> <p>Preparing the land use plan</p>	<p>Interface of IP/AD development framework with existing government policies/plans/programs/projects , rules and regulations</p> <p>Program/project identification and prioritization</p> <p>Formulation of the ADSDPP implementation strategies and management plan</p>	<p>Planning the allocation of FFLs and prioritizing sub-watersheds</p>
<p>Draft the Zoning Ordinance</p>		

GENERAL PROCESS OF CLUP, FLUP, AT ADSDPP

Enhanced CLUP Guidelines 2013	Revised ADSDPP Guidelines 2018	FLUP Guidelines 2012
Conduct Public Hearing	Presentation, Validation and Approval of Draft ADSDPP with IC/IP Community Members	Drafting, legitimization and approval of FLUP
Review, adopt and approved the CLUP and ZO	Submission of ADSDPP to NCIP	
Implement the CLUP and ZO	Incorporation of the ADSDPP into Local Government Plans	
Monitor and evaluation the CLUP and ZO		

SALIENT PROCESSES

SALIENT PROCESSES and OBJECTIVES	OBJECTIVES/PRODUCTS		
	CLUP/CDP	ADSDPP	FLUP
<ul style="list-style-type: none"> ■ Data and information collection in the communities ■ Analysis of situation 	<ul style="list-style-type: none"> ■ Identify issues, and potential and future needs for development through the conduct of ecosystem analysis, sectoral studies, and special area studies ■ Conducting land supply and demand analysis ■ Identification of areas for production, protection, infrastructure, at settlements 	<p>Profiling of the following:</p> <ul style="list-style-type: none"> ■ Condition of natural resources within the AD ■ Indigenous knowledge systems and practices in the AD ■ System of land ownership within the AD ■ Social, cultural, political, economic systems, and state of human development ■ System of governance and protection of forestes, watersheds, waters, and minerals. ■ AD/ICC development needs 	<ul style="list-style-type: none"> ■ Gathering of socio-economic, institutional, and bio-physical characteristics of the municipality ■ Gathering spatial data and generating maps ■ Conducting overlay map analysis ■ Analysis of issues and opportunities, conflicting/ competing interests and clames, among others, based from the gathered information ■ Land use planning/zoning – identification of areas allowed an restricted for economic activities.

POSSIBLE OVERLAPS WITHIN AN ANCESTRAL DOMAIN

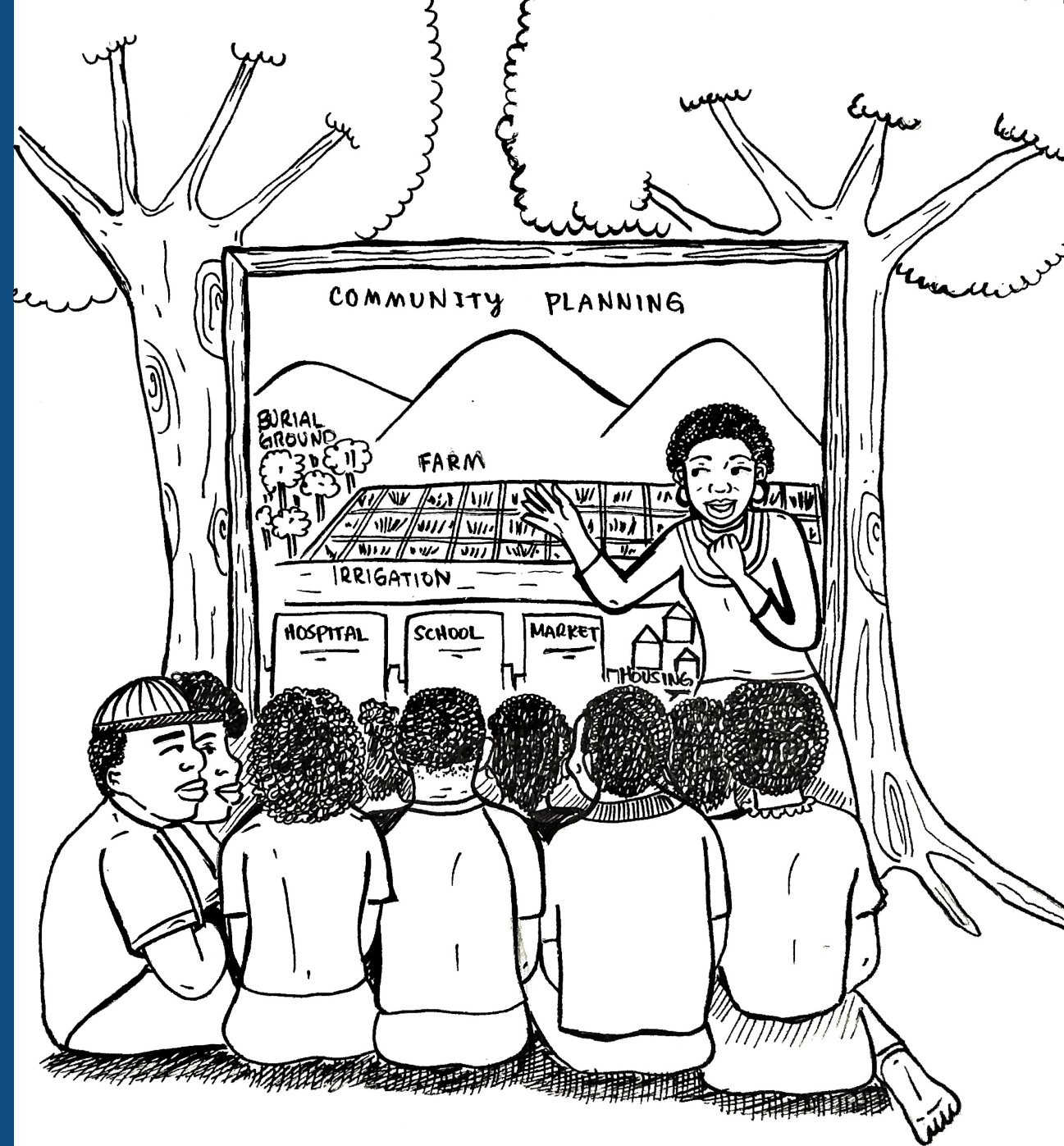
	PERSPECTIVE OF THE IPs	PERSPECTIVE OF THE LGUs AND GOV'T AGENCIES
<p>Isyu sa coverage</p>	<p>The extent of the AD territory is absolute.</p>	<p>Through the various plans aiming for the protection and conservation of natural resources and for food security, there will be areas within the AD that may be identified as:</p> <ul style="list-style-type: none"> ▪ Critical Watershed ▪ Protected Area ▪ CBFMA
<p>Governance over the common or overlapping areas</p>	<p>IPs govern all the areas within their AD regardless of their uses</p>	<p>Common or overlapping areas (identified for protection, production, etc.) with the AD will be governed by the LGU, government agency, or specific non-IP stakeholders assigned. This results to limited use of resources in these areas by the IPs.</p> <p>Examples:</p> <ul style="list-style-type: none"> ▪ The Municipal Watershed Protection and Management Council (MWPMC) overtakes the IP's right/position to regulate settlements and management of natural resources within the common area ▪ Areas with Community-bases Forest Management Agreements (CBFMAs) are managed by other stakeholders (may be an IP or non-IP) ▪ The Protected Area Management Board (PAMB), where IPs have minor representations to, has the authority to award licenses, permits, and leases.

POSSIBLE OVERLAPS WITHIN AN ANCESTRAL DOMAIN

	PERSPECTIVE OF THE IPs	PERSPECTIVE OF THE LGUs AND GOV'T AGENCIES
<i>Land use</i>	<p><u>In areas where there are CBFMAs within AD</u></p> <ul style="list-style-type: none"> It is according to the customs and practices of IPs to not use chemical pesticides in farming <p><u>In areas where there are critical watersheds or forest reserves within AD</u></p> <ul style="list-style-type: none"> They host sacred areas, hunting areas, ridges, and headwaters <p><u>In areas where there are Protected Areas within AD</u></p> <ul style="list-style-type: none"> Sacred areas, hunting areas, and many other forest reserves are protected 	<p><u>In areas where there are CBFMAs within AD</u></p> <ul style="list-style-type: none"> Planation for the local production and economy (could also be directly or indirectly beneficial to the IPs) <p><u>In areas where there are critical watersheds or forest reserves within AD</u></p> <ul style="list-style-type: none"> The Integrated Watershed Management Plan does not allow cultivation of soil along rivers (where IPs may utilize for food production) <p><u>In areas where there are Protected Areas within AD</u></p> <ul style="list-style-type: none"> The National Integrated Protected Areas System (NIPAS) sets strict protection zone where scientific and customary activities are allowed; however, protection plans of the government and IPs differ in framework, actual activities, and implementing structure

IV. Harmonization of plans

- a. Suggested composition of the CLUP and CDP Planning Teams
- b. Actual experience of Higa-onons of Barangay Hagpa, Impasug-ong Bukidnon in the preparation of their ADSDPP



WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

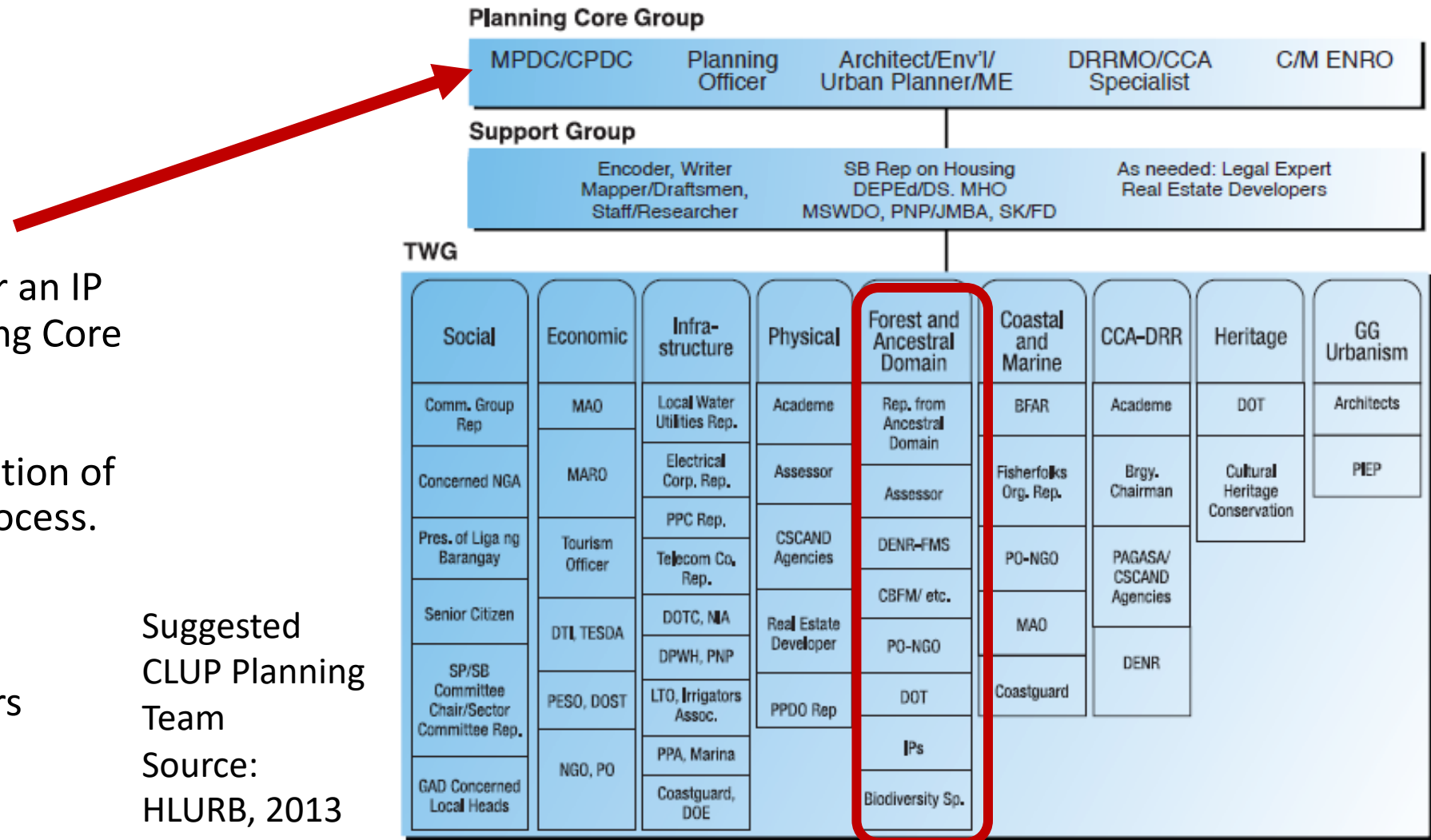
1. Ensure IP representation in the formulation of local development plans (CLUP at CDP)

There could be a position for an IP representative in the Planning Core Group of the CLUP.

Purpose: to ensure participation of IPs in the whole planning process.

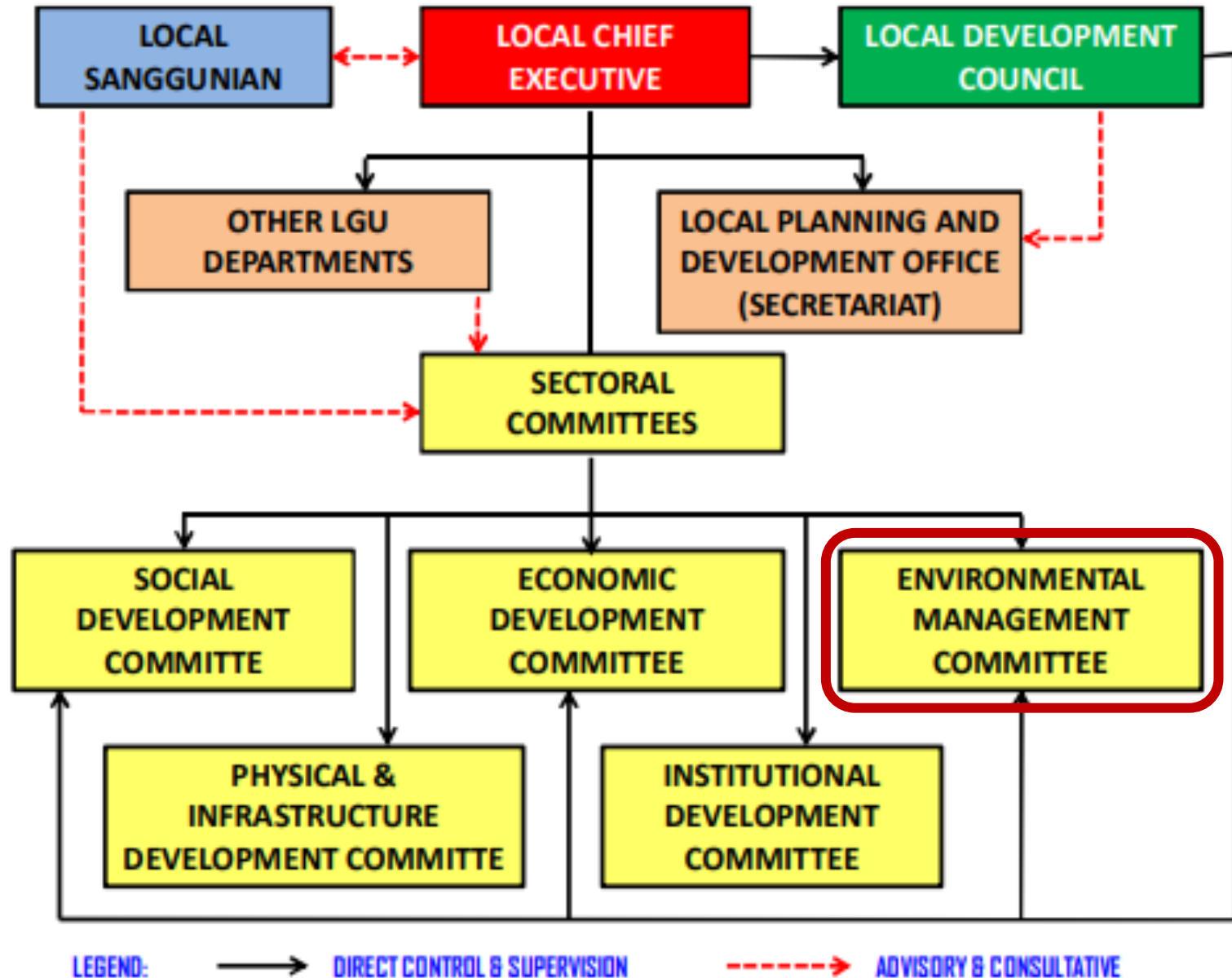
Context: The areas that IP manage/govern will have implications across all sectors

Suggested
CLUP Planning
Team
Source:
HLURB, 2013



WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

CDP Planning Team



WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

2. Creation of a technical working group (TWG) specific to address overlapping claims. Activities it may undertake include:

- a. *CADT Forum* – to present the various plans involved in the common/overlapped areas; and to propose for a Memorandum of Understanding (MoU) between the IPs and the LGUs (BLGU at MLGU) to for support and recognition
- b. *Series of Roundtable Discussions* – to review the different plans, identify their similarities, the problems and solutions as regards to harmonization, and the resolutions to conflicts
- c. Map analyses
- d. Drafting of the harmonization plan

WAYS TO HARMONIZE PLANS AND OBJECTIVES/AGENDA OF DIFFERENT SECTORS WITH OVERLAPPING CLAIMS

MEMORANDUM OF UNDERSTANDING

LET IT BE KNOWN:

The Agtulawon Mintapod Higao-onon Cumadon, hereafter referred to as AGMIHICU, herein represented by Datu Mantangkilan Cumatang and his council of datos, as holders of Certificate of Ancestral Domain Claim no. 112, located in Brgy. Hagpa, Municipality of Impasug-ong, Province of Bukidnon;

The Barangay government of Barangay Hagpa, Municipality of Impasug-ong, hereafter referred to as the Barangay, herein represented by its duly elected Barangay Captain, Hon. Agulio H. Nanolan and the Barangay Council; and

The Municipal government of Impasug-ong, province of Bukidnon, hereafter referred to as the Municipality, herein represented by its duly elected Mayor, Hon. Mario T. Okinlay and the Municipal Council;

Have, after discussion and deliberation this 11-12 February 2003, mutually agreed upon and affirmed the following points:

1. They will each mutually respect the Ancestral Domain Sustainable Development and Protection Plan of the AGMIHICU, the Barangay Development and Management Plan of the Barangay, and the Municipal Watershed Management Plan of the Municipality;
2. They are committed to coordination in the implementation of these three different development plans;
3. They must work together to protect the environment, particularly in terms of forestry protection and watershed management within the jurisdiction of the Municipality, the Barangay and the CADC area of AGMIHICU;
4. The Municipality and the Barangay shall respect the rights of the leaders and members of the AGMIHICU to tribal autonomy and self-determination, in accordance with existing customs and practices;
5. The Municipality and the Barangay shall respect the rights of the leaders and members of the AGMIHICU to plan for their own development, to pursue and implement their own course of economic and livelihood development within the framework of their ADSDPP.

and to access to their ancestral lands and natural resources within their CADC;

6. They will all support each other in the provision of appropriate services or assistance to women and children;
7. They will all support each other in the pursuit of development through the provision of basic social services, including but not limited to education and training, and health services to the people of Brgy. Hagpa;
8. They will all support each other in the provision of infrastructure projects to the people of Brgy. Hagpa;
9. They will all support each other in ensuring peace and order in the Barangay;
10. The parties hereto shall, upon agreement, observe equitable resource sharing.

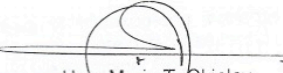
PREMISES CONSIDERED, the parties to this Memorandum of Understanding commit themselves to the implementation of the following recommendations:

1. Coordinate the implementation of the ADSDPP, BDMP and MWMP, by identifying their commonalities and addressing potential areas of conflict;
2. Establish the Task Force Cumadon (TFC), with the Hon. Mayor Mario T. Okinlay as Honorary Chair and co-chaired by the Punong Barangay Argulio H. Nanolan, which Task Force shall be composed of one representative each of the AGMIHICU, the Bukidnon Environment and Natural Resources Office, and the Barangay Development Council of Brgy. Hagpa, and shall serve as the lead agency in coordinating the implementation of these three plans;
3. The NCIP, DENR, DILG, the Sangguniang Bayan of Impasug-ong, the Municipal Planning and Development Coordinator and other local government offices and agencies, as well as assisting Non-Government Organizations such as Kaanib Foundation, uJosefa Segovia Foundation, Fr. Vincent Cullen Tulugan Learning and Development Center, Philippine Association for Inter-cultural Development, International Centre for Research in Agro-Forestry, Environmental Science for Social Change, GAMAPAKA and Balay-


Mindanao shall assist the members of the TFC by providing appropriate advise and support;

4. Coordinate all actions with all concerned local government offices and agencies;
5. The TFC shall discuss and draft a proposed consolidated program for implementation of the three development plans, for validation and formal acceptance by the parties to this Memorandum of Understanding.





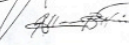
IN WITNESS WHEREOF, we hereunto set our hands this 12th day of February, 2003, at Brgy. Hagpa, Municipality of Impasug-ong, Province of Bukidnon.


Hon. Mario T. Okinlay
Municipal Mayor, Impasug-ong


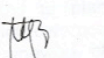



Datu Mantangkilan Cumatang
AGMIHICU


Hon. Agulio H. Nanolan
Brgy. Captn., Brgy. Hagpa

Witnesses:



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