



Department of Environment
and Natural Resources

OCT 31 2003

**JOINT DENR-NCIP MEMORANDUM CIRCULAR
NO. 2003 - 1**

SUBJECT: Harmonization of the Implementation of the Indigenous Peoples Rights Act (IPRA) and Environment and Natural Resources (ENR) Laws and Policies.

In order to address the issues affecting the rights of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) in relation to the implementation of the IPRA and ENR laws and policies, the following guidelines is hereby promulgated:

Section 1. Basic Policies

- 1.1 It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature as well as to protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being;
- 1.2 The DENR and NCIP adhere to and recognize the customary laws and Indigenous Knowledge Systems and Practices (IKSP) of the ICCs/IPs in accordance with the IPRA; and
- 1.3 The DENR and NCIP recognize the preferential rights of ICCs/IPs to benefit from the natural resources within their ancestral lands/domains.

Sec. 2. Objectives

- 2.1 To clarify the jurisdiction, authority and responsibilities of the NCIP and DENR in the management, protection, utilization and rehabilitation of the environment and natural resources within ancestral domains;

2.2 To strengthen all on-going policy harmonization efforts of the DENR and NCIP; and

2.2 To recognize and support related initiatives of the NCIP, ICCs/IPs, DENR, LGUs, other concerned agencies and the civil society.

Sec. 3. Institutionalization

The harmonization efforts of the DENR and NCIP shall be expanded up to the regional and provincial levels through the creation of Technical Working Groups to serve as venues for gathering inputs that will facilitate policy revision and/or formulation.

Sec. 4. Joint Review

4.1 Contentious policy issuances of the NCIP and the DENR that affect ENR policies and ICCs/IPs rights, respectively, shall be jointly reviewed and harmonized accordingly;

4.2 Resource management/utilization instruments within ancestral lands and domains issued after the effectivity of the IPRA and upon initial determination by the NCIP shall be jointly reviewed by the DENR and NCIP which shall take appropriate action in instances of failure to follow the Free and Prior Informed Consent (FPIC) requirement within a reasonable period but not to exceed three (3) months;

4.3 Whenever necessary, joint review activities shall involve the ICCs/IPs concerned; and

4.4 The DENR and NCIP shall conduct an inventory of cases filed against IPs in violation of PD 705, NIPAS Act, Small Scale Mining Act and other ENR laws.

Sec. 5. Participation of ICCs/IPs

5.1 Multi-Partite Monitoring Teams and special bodies organized by the DENR shall include representatives of ICCs/IPs concerned;

5.2 DENR and NCIP shall endeavor towards the development of a criteria for a just representation of ICCs/IPs in the Protected Area Management Boards (PAMB); and



Regional Offices shall be considered technically acceptable if no comments are received after fifteen (15) calendar days.

Sec. 9. Grievance Mechanism

DENR and NCIP will apply existing grievance mechanisms for complaints lodged by ICCs/IPs against DENR and NCIP personnel.

Sec. 10. Funding

10.1 The DENR and NCIP shall allocate funds for the implementation of activities called for under this circular; and

10.2 Both agencies shall endeavor to source out additional funds necessary for the purpose.

Sec. 11. Effectivity

This Joint Memorandum Circular shall take effect immediately.

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Chairperson, NCIP

- 5.3 In accordance with existing DENR rules and regulations, ICC/IP members shall be deputized by the DENR as ENR officers in the enforcement of ENR laws and regulations.

Sec. 6. Harmonization of Management Plans

- 6.1 DENR shall provide technical assistance in the preparation of Ancestral Domains Sustainable Development and Protection Plan (ADSDPP);
- 6.2 In cases where ancestral lands/domains overlap protected areas, Protected Area Management Plan (PAMP) and ADSDPP or management plan/community resource management practices shall be harmonized; and
- 6.3 Proposed bills proclaiming protected areas shall be subjected to consultations through a process that NCIP and the DENR shall develop.

Sec. 7. Strengthening DENR capability

- 7.1 The DENR shall strengthen its IP Desks which shall serve as the focal units on all matters pertaining to ICCs/IPs vis-à-vis ENR laws, programs and projects;
- 7.2 The IP Desks shall closely coordinate with the NCIP Offices concerned; and
- 7.3 The NCIP shall conduct an orientation program for DENR personnel on the IPRA with emphasis on IKSP and customary laws. The DENR shall ensure that field personnel concerned shall undergo this orientation program.

Sec. 8. Delineation of Ancestral Domains

- 8.1 The DENR, through its field offices, including the National Mapping and Resource Information Authority (NAMRIA), Land Management Bureau (LMB) and Forest Management Bureau (FMB) shall provide technical assistance to NCIP in the delineation of ancestral domains; and
- 8.2 The NCIP shall furnish the DENR Regional Offices concerned all draft survey plans for common projection prior to validation with concerned IP communities. The survey plans submitted to DENR

