AN ACT
PROTECTING AND STRENGTHENING THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CONSERVED AREAS, RECOGNIZING THEIR CONTRIBUTION TO BIODIVERSITY CONSERVATION, ESTABLISHING FOR THE PURPOSE THE NATIONAL INDIGENOUS COMMUNITY CONSERVED AREAS (ICCA) REGISTRY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Explanatory Note

Indigenous peoples communities have always played an important role in the conservation and preservation of the country’s protected areas. Known as indigenous communities conserved areas (ICCAs), “these are areas within ancestral domains including lakes, coastal seas, forests, and watershed imbued with deep spiritual and cultural values for indigenous peoples.”

A good example of an ICCA is the ancestral domain of the Tagbanuas in the island of Coron in northeastern Palawan. Only traditional fishing methods are allowed within its ancestral waters given the sacred nature of the place among the Tagbanuas.

It is about time that the national government give due importance and role to the indigenous communities as partners in the conservation of protected areas found within their ancestral domains.

For these reasons, immediate passage of the bill is sought.

LOREN LEGARDA
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PROTECTING AND STRENGTHENING THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CONSERVED AREAS, RECOGNIZING THEIR CONTRIBUTION TO BIODIVERSITY CONSERVATION, ESTABLISHING FOR THE PURPOSE THE NATIONAL ICCA REGISTRY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted in the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER I

CHAPTERS GENERAL PROVISIONS

SECTION 1. Short Title. — This Act shall be known as the "Indigenous Peoples and Local Communities Conserved Areas Act of 2019".

SEC. 2. Declaration of Policy — It is the policy of the State to pursue sustainable development, recognition of the rights of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs), biodiversity conservation, and climate change mitigation and adaptation. Toward this end, the State adopts the principle of protecting Key Biodiversity Areas (KBAs) and acknowledging the significant contribution of conservation areas managed by ICC/IPs in maintaining the country's biodiversity as well as in climate change mitigation.

Consistent with the recognition and promotion of the rights of ICCs/IPs under the Constitution of the Republic of the Philippines, the Indigenous Peoples Rights Act of 1997 (IPRA), and the Universal Declaration of the Rights of Indigenous Peoples
(UNDREP), the State shall recognize and respect the designation, declaration or establishment of Indigenous Community Conserved Areas (ICCAs) by ICC/IPs within their ancestral domains.

As a party to the United Nations Convention on Biological Diversity (CBD), the State shall foster the recognition and promotion of other conservation area governance types aside from protected areas established under Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act of 1992 and critical habitats designated as such under Republic Act No. 9174, otherwise known as the "Wildlife Resources Conservation and Protection Act", among others.

SEC. 3. Guiding Principles. — In the promotion of the recognition of ICCAs, all concerned government agencies shall be guided by the following:

a. Recognition and promotion of ICC/IP rights to their ancestral domains includes the full recognition of ICCAs as well as the right of the ICCs/IPs to maintain, protect, and regulate access and prohibit unauthorized intrusion thereto;

b. As part of their responsibilities to their ancestral domain, ICCs/IPs shall have priority in the management of their conservation areas and the preservation, restoration, and maintenance of ecological balance and biodiversity therein, with the full and effective assistance of government agencies;

c. ICCAs shall be considered in the formulation of, and integrated in, national and subnational policies, plans and programs in recognition and respect of the right of the ICCs/IPs to preserve and develop their cultures, traditions, and institutions within the framework of national unity and development;

d. The positive contribution to biodiversity conservation of ICCAs and related sustainable traditional indigenous forest resources management systems
and practices shall be fully acknowledged and included in the accounting
and reporting of the national implementation of CBD obligations; and,
e. ICCs/IPs shall have a fair and equitable share in the commercial profits of
users of well-defined and confirmed ecosystem services provided by ICCAs,
in recognition and respect of the right of the ICCs/IPs to benefit and share
in the profits from the allocation and utilization of natural resources found in
their ancestral domains.

SEC. 4. Definition of Terms. — For purposes of this Act, the following terms
shall have the corresponding meanings:

(a) "Ancestral Domain Sustainable Development and Protection Plan
(ADSDPP)" refers to the document consolidating the plans of the ICC/IP for
the sustainable management and development of the land and natural
resources as well as human resources within their ancestral domains
based on their indigenous knowledge systems and practices and the
principle of self-determination;
(b) "Biological Diversity" or "Biodiversity" refers to the variety and variability
among all living organisms and the ecological complex in which they occur;
(c) "DENR" refers to the Department of Environment and Natural Resources;
(d) "Ecosystem services" refer to environmental goods, and regulating,
supporting, and cultural services provided by ecosystems that are directly
enjoyed, consumed or used to further human well-being; or benefits that
people derive from an ecosystem;
(e) "Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)" refer to
a group of people or homogenous societies as defined under Republic Act
No. 873, otherwise known as “The Indigenous Peoples Rights Act of 1997”;
(f) "Indigenous Community Conserved Areas (ICCA)" are natural and/or
modified ecosystems containing significant biodiversity values, ecological
services and cultural values, voluntarily conserved by indigenous cultural communities/ indigenous peoples through customary laws or other effective means;

(g) "Key Biodiversity Areas (KBAs)" refer to sites of global significance for biodiversity conservation identified using globally standard criteria and thresholds, based on the needs of biodiversity requiring safeguards at the site scale. These criteria are based on the framework of vulnerability and irreplaceability widely used in systematic conservation planning;

(h) "NCIP" refers to the National Commission on Indigenous Peoples;

(i) "National ICCA Registry" refers to the database maintained jointly by the NCIP and the DENR containing qualitative, quantitative and spatial data on ICCAs as determined by ICCs/IPs themselves;

(j) "Protected Areas" refer to 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 and included as a component of the National Integrated Protected Area System (NIPAS);

(k) "Sustainable Traditional Indigenous Forest Resources Management Systems and Practices (STIPMSP)" refer to those systems and practices of ICCs/IPs formally recognized, registered, confirmed, and duly verified jointly by the DENR and the NCIP to be the sustainable forest management system and practice in the forest/ watershed area within the ancestral domain/land of the concerned ICC/IP;

(l) "Sustainable Traditional Resource Rights" refer to the rights to ICCs/IPs to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and, e) other areas of economic
ceremonial and aesthetic value in accordance with their indigenous
knowledge, belief systems, and practices

CHAPTER II

INDIGENOUS COMMUNITY CONSERVED AREAS

SEC. 5. Recognition of ICCAs. — ICCAs shall be respected as an exercise by
the ICC/IP of their ancestral domain rights as well as of their sustainable traditional
resource rights. ICCAs shall be accorded special protection and full recognition by all
national agencies and local government units (LGUs). Except for documentation and
mapping and biodiversity conservation-related activities involving the full participation
of the concerned ICC/IP, the requirements for free and prior informed consent (FPIC)
shall be strictly followed for all other allowable activities within ICCAs.

SEC. 6. Protection of ICCAs. — ICCAs shall be declared no-go zones for all
forms of mining whether large-scale or small-scale and other destructive forms of
natural resource exploration, development and utilization. These activities shall
likewise be prohibited outside the ICCAs if they will adversely impact the ICCA.

SEC. 7. Zones. — ICCs/IPs may establish zones within their ICCAs and provide
for the management and use of such zones in accordance with their customary laws,
traditions, customs or practices.

SEC. 8. ICCAs in Key Biodiversity Areas. - ICCAs within or encompassing
KBAs shall be maintained, managed and sustainably developed in a manner
consistent with conservation of the biodiversity found therein. As habitats of
threatened species of Philippine wildlife, KBAs are environmentally critical areas
(ECAs) in the context of the Philippine Environmental Impact Statement System. KBAs
shall be those identified by the Philippine Biodiversity Conservation Priority Setting
program and its iterations as updated by the DENR in consultation with other
considered government agencies, the academe, private sector and civil society.
SEC. 9. Respect for the names and designations made by the ICC/IP — Place
names and designations of ICCAs in the native dialect of the ICCs/IPs shall be
 accorded and used in all official publications of government.

CHAPTER III

REGISTRATION AND MAINSTREAMING ICCAS

SEC. 10. National ICCA Registry. — To ensure the availability of official
information on ICCAs, there is hereby established a centralized information
management system to be known as the National ICCA Registry. The National ICCA
Registry shall contain records of all pertinent information voluntarily submitted by the
concerned ICC/IP regarding their respective ICCAs using a template to be designed
by the DENR and NCIP.

SEC. 11. Implementing Arrangements and Operational Structures. — The lead
in the establishment of the National ICCA Registry and shall be jointly responsible for
its management and maintenance: Provided, That all information in the National ICCA
Registry shall be owned by the ICC/IP providing such information as part of their
community intellectual property rights.

SEC. 12. Inclusion in the Comprehensive Land Use Plans and Forest Land Use
Plans. — ICCAs recorded in the National ICCA Registry shall be included and duly
reflected in the Comprehensive Land Use Plan (CLUP) of the concerned LGU.
National government agencies shall likewise ensure that ICCAs are recognized in land
use plans covering lands under public domains.

SEC. 13. Formal recognition and listing of ICCAs. — Within six (6) months from
the effectivity of this Act, the NCIP and the DENR, in consultation with the ICCs/IPs,
shall jointly issue the procedural rules and regulations for the recording and listing of
ICCAs in the National ICCA Registry. The procedure shall provide guidelines for the
documentation and mapping of ICCAs by the ICCAs themselves or with the assistance
of government and non-government entities at the option of the ICC/IP. It shall also
provide for the incorporation of ICCA in the Ancestral Domain Sustainable
Development and Protection Plan (ADSDPP).

CHAPTER IV

ROLE OF GOVERNMENT AGENCIES

SEC. 14. Role of the NCIP. — The NCIP shall be the primary government
agency responsible for the full implementation of this Act and shall protect and
promote the interest and well-being of the ICCs/IPs in the context of biodiversity
conservation and climate change mitigation and adaptation. The NCIP shall convene
periodic national and subnational conventions of ICCs/IPs, government agencies,
private sector and civil society organizations to review, assess as well as propose
policies or plans to further promote ICCAs. It shall also ensure that ICCA concerns
and issues are included and addressed in the ADSDPP of the concerned ICC/IP.

SEC. 15. Role of the DENR. — The DENR shall provide technical assistance
to requesting ICCs/IPs biodiversity assessments and survey, mapping of the ICCA.
Upon the formal request of the concerned ICC/IP, the DENR shall provide technical
assistance for the international recognition of ICCAs through their listing or registration
with the USA Registry, the World UCA Database, or other similar global platforms or
networks, among others. The DENR shall likewise provide information on the location
of KBAs identified in the Philippine Biodiversity Conservation Priority Setting Program
and its iterations or updates.

SEC. 16. Role of Other Government Agencies. — Consistent with their
respective mandates and upon formal request of an ICC/IP, national government
agencies shall provide technical assistance in building and strengthening the capacity
of the requesting ICC/IP to manage their ICCA.

The Department of Education (DepEd), the Commission on Higher
Education (CHED), the Technical Education and Skills Development Authority
(TESDA), in coordination with the DENR and the NCIP, and other relevant agencies,
shall integrate ICCAs and KBAs in the school curricula under environmental education
at the appropriate educational level/s.

SEC. 17. Role of the Private Sector and Civil Society. — The NCIP and DENR
shall actively engage and collaborate with the private sector and civil society in raising
public awareness and recognition of ICCAs and in obtaining specialized assistance
and service, subject to the free and prior informed consent requirements of the
concerned ICC/IP. Public participation in protection, conservation and sustainable
use activities, especially at the local level, shall be encouraged to maximize
conservation and community benefits.

CHAPTER V

INCENTIVES

SEC. 18. Incentive Scheme. — ICCAs listed in the National ICCA Registry shall
be prioritized for biodiversity conservation and reforestation project sites. Where
appropriate and available, government financial institutions and other government
agencies shall provide financial and technical assistance to ICCs/IPs for the protection
and promotion of their listed ICCAs, particularly in the establishment and
implementation of payment schemes for ecosystem services provided by the ICCAs.

SEC. 19. Sustainable Livelihood. — The DENR, in coordination with the NCIP,
shall develop sustainable livelihood opportunities for ICCs/IPs that are consistent with
traditional practices and resource use, thus ensuring the sustainable development and
proper management of ICCAs. In all cases, the interests and well-being of the ICC/IP
concerned shall be paramount.

CHAPTER VI

PENAL PROVISIONS

SEC. 20. Prohibited Acts. — It shall be unlawful for any person to commit the
following acts within an ICCA:
(a) Unauthorized and/or unlawful intrusion upon, or use of any portion of the ICCA;

(b) Mineral exploration, extraction and development, quarrying and other destructive forms of natural resource exploration, development and utilization;

(c) Logging, except in instances of sustainable traditional indigenous forest resource management practices of the ICC/IP;

(d) Mutilating, defacing, removing or otherwise destroying objects that have cultural, spiritual or ecological significance to the ICC/IP; and,

(e) Dumping of waste products detrimental to flora and fauna.

SEC. 21. Penalties. — Any individual, corporation, partnership, association or other juridical entity that commits any of the prohibited acts provided for under section 20 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than six thousand pesos (Php 6,000.00) or any amount not to exceed five hundred thousand pesos (Php 500,000.00) or imprisonment of not less than six (6) months and one (1) day or more than six (6) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing any of herein prohibited acts. If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association or entity responsible for the violation without prejudice to the cancellation or revocation of these entities license or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence. However, the prosecution for offenses set forth in Section 20 of this Act shall be without prejudice to any liability for violation of Republic Act No. 8371, as
amended, otherwise known as the "Indigenous Peoples Rights Act of 1997", and other
criminal or civil liabilities.

CHAPTER VII

FINAL PROVISIONS

SEC. 22. Annual Report. — On or before March 30 of every year following the
effectivity of this Act, the NCIP shall submit to the President and to the Senate and the
House of Representatives a progress report on the status of the implementation of this
Act and on the implementation of the National ICCA Program. The Council shall
recommend legislation, where applicable and necessary.

SEC. 23. Construction. — The provisions of this Act shall be construed liberally
in favor of ICCs/IPs and in consideration of the protection and conservation of
biodiversity.

SEC. 24. Implementing Rules and Regulations. — The NCIP, in coordination
with the DENR and other concerned government agencies and members of the civil
society, shall, within six (6) months from the effectivity of this Act, promulgate the
necessary rules and regulations for the enforcement of the provisions of this Act.

SEC. 25. Appropriations. — The sum of twenty million pesos (Php
20,000,000.00) is hereby appropriated as initial operating fund. Thereafter, the amount
necessary to effectively carry out the provisions of this Act shall be included in the
annual General Appropriations Act.

In succeeding years, in additional to the annual appropriations to be provided
for the implementation of this Act, the fines to be collected as penalties under Section
20 shall also be added for the implementation of this law.

SEC. 26. Repealing Clause. — All laws, decrees, executive orders, rules and
regulations or parts thereof inconsistent with or contrary to the provisions of this Act
are hereby repealed or modified accordingly.
SEC. 27. Saving Clause. — This Act shall not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, recommendations, international treaties, national laws, awards, customs and agreements.

SEC. 28. Separability Clause. — If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to remain in full force and effect.

SEC. 29. Effectivity. This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved