

REPUBLIC OF THE PHILIPPINES
Office of the President
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
Quezon City

NCIP Administrative Order No. 1, Series of 2004
--

**SUBJECT: GUIDELINES ON THE FORMULATION OF THE ANCESTRAL
 DOMAIN SUSTAINABLE DEVELOPMENT AND
 PROTECTION PLAN (ADSDPP)**

Pursuant to sub-paragraph (o), Sec. 44 of R.A. 8371, otherwise known as the Indigenous Peoples Rights Act of 1997 and other related provisions, the following guidelines are hereby promulgated:

**ARTICLE I
PRELIMINARY PROVISIONS**

Section 1. Constitutional and Legal Framework. The State shall recognize and promote all the rights of indigenous cultural communities (ICCs) within the framework of national unity and development and shall protect the rights of indigenous peoples to their ancestral domains to ensure their economic, social and cultural well-being. The State shall likewise recognize the inherent right of ICCs/IPs to self-governance and self-determination, and respect the integrity of their values, practices and institutions as well as guarantee their right to freely pursue their development and equally enjoy the full measure of human rights and freedoms without distinction or discrimination.

Section 2. Policy Statement. The sustainable development and protection of the ancestral domain by the ICCs/IPs themselves is the manifestation of their rights to self-governance and self-determination. To guarantee the exercise, enforcement and realization of these rights, the ICCs/IPs shall prepare their own ancestral domain sustainable development and protection plan (ADSDPP) in accordance with their customary practices, laws and traditions.

Section 3. Objectives. These guidelines shall provide guidance in the formulation of the ADSDPP as a tool for the empowerment of ICCs/IPs towards the fulfillment of the general well-being of the current ICC/IP generation without compromising the needs of future generations. The ADSDPP shall, among others: (a) ensure the compliance of ICCs/IPs to their responsibilities to maintain ecological

balance, restore denuded areas as well as to observe the requirements of the IPRA; (b) facilitate the conduct of the FPIC process; and (c) provide a checklist of prioritized development programs/projects as ready reference for collaborative efforts with development partners and/or grant of assistance to ICCs/IPs in an ancestral domain.

Section 4. Approaches. The ICCs/IPs' view on development puts emphasis on the inter-generational responsibility of the present generation to comprehensively and sustainably manage their ancestral domain and all resources found therein so that future generations may enjoy them. The realization hereof requires appropriate development standards and culturally sensitive approaches, thus:

- a. **Rights-Based Approach to Development.** The ADSDPP is a framework for the process of human development that is normatively based on, and operationally directed to, the recognition, promotion and protection of fundamental human rights which are inherent rights of a person as a human being, and rights as indigenous peoples.
- b. **Holistic/Comprehensive and Integrated.** The ADSDPP shall be an instrument through which the ICCs/IPs' rights to ancestral domains/ lands, self-governance/empowerment, social justice/human rights and cultural integrity as provided in the Indigenous Peoples' Rights Act are recognized, promoted and respected. It shall likewise be used to protect the holistic and integrated adherence of a particular ICC/IP community to their customs, religious beliefs, traditions and indigenous knowledge systems and practices as they assert their character and identity as peoples. The sustainable development and protection of ancestral domains shall be all-inclusive.
- c. **Community/or People Driven.** The process and steps in the preparation of the ADSDPP shall ensure that the ICCs/IPs shall take major leadership roles and full participation in the determination of their own development needs and priorities and subsequently how these needs and priorities shall be met as they formulate, implement and evaluate their ADSDPPs.
- d. **Freedom of Initiative and Self-reliance or Non-Intervention.** Economic opportunities created by the state shall be extended to the ICCs/IPs on the basis of freedom of initiative and self-reliance. The ICCs/IPs shall freely pursue their economic, social and cultural development of their own choice and at their own pace in a manner determined by themselves towards national unity and development. The option of the ICCs/IPs to adopt a sustainable development and protection plan shall be respected under the principle of free pursuit of development as a people.
- e. **Culture Sensitive.** The ADSDPP shall be culturally appropriate and responsive with the customs, traditions, values, beliefs, interests and institutions of ICCs/IPs. The ADSDPP shall be used as a tool to preserve and protect such culture, traditions and institutions.
- f. **Gender-Responsive.** The ADSDPP shall likewise be gender-sensitive where gender issues are clearly articulated in the situation analysis and appropriate interventions and indicators of change are incorporated to address those issues.
- g. **Consultative.** The ADSDPP preparation shall be consultative. Consultations shall go beyond ICCs/IPs to account for other stakeholders or entities that may be affected in any way by planned interventions within the ancestral domain such as the ICCs and non-ICC in areas adjacent to the ancestral domain, and development agents of government (local and national).

- h. ***Iterative and Strategic.*** The iterative planning process shall allow for strategic changes in ADSDPP requirements and technologies for AD development change over time. A strategic planning approach capitalizes on indigenous resources that abound and focuses on critical development issues within the ancestral domain.

Section 5. Operating Principles. In the exercise of the right to self-governance and self-determination, the ICCs/IPs shall ensure that the development and management of ancestral domains shall adhere to the following principles:

- a. ***Freedom of ICCs/IPs to Pursue Economic, Social and Cultural Development.*** In the pursuit of economic, cultural and social development, the ICCs/IPs shall decide on all programs, policies, plans and projects within the ancestral domain and prioritize the same. In consonance herewith, the ICCs/IPs can formulate a sustainable development and protection plan for their ancestral domain in any form, provided that it contains the basic components as provided under Article II of these guidelines. As such, members of ICCs/IPs in the ancestral domain must give their consent in accordance to customs and traditions, and they shall participate in the planning process.
- b. ***Fulfillment of Responsibility to Future Generations.*** The ancestral domain is owned by the race and the responsibility of the current generation of ICCs/IPs to sustainably manage and protect their ancestral domains in order to preserve the options for future generations is enormous and cannot be ignored. In the management of the ancestral domain, due consideration must be given to the resources as well as conflict management systems, indigenous knowledge, systems and practices, and peace building mechanisms and institutions of the ICCs/IPs.
- c. ***Interdependence.*** The ancestral domain and all resources found therein cannot be separated from the social and economic systems and the benefits derived therefrom.
- d. ***Just and Equitable Sharing of Benefits.*** IC/IP communities shall be fairly allocated benefits derived from the management of land and resources within their ancestral domains.
- e. ***Comprehensive.*** The sustainability of development and protection of ancestral domains shall be holistic and all-inclusive of all the aspects of the life and environment of ICCs/IPs.

Section 6. Definition of Terms. The terms and phrases defined under Section 3 (a) to (p) of R.A. 8371 and Rule II (a) to (z) of the Implementing Rules and Regulations shall be given the same meanings when used herein and in addition thereto:

- a. ***Ancestral Domains Sustainable Development and Protection Plan (ADSDPP)*** – refers to the consolidation of the plans of ICCs/IPs within an ancestral domain for the sustainable management and development of their land and natural resources as well as the development of human and cultural resources based on their indigenous knowledge, systems and practices. Such plan shall be the basis of the Five Year Master Plan for ICCs/IPs.
- b. ***Effectiveness*** – refers to the extent to which the strategies and activities progressively realized the desired results given the amount and quality of material and human resources brought into a program/ project.

- c. **Gender Gap** – refers to a manifestation of gender inequality, where significant disparity in male and female access to productive and service resources.
- d. **Gender Issues** – refers to problems that are results of the way boys and girls or women and men have been socially constructed which cause negative effects or gender gap on social status and human relationships such as inequality and discrimination.

ARTICLE II BASIC COMPONENTS OF THE ADSDPP

Section 7. Basic Components. The ADSDPP is a long term comprehensive spatial and development plan with at least five years programming of activities with the purpose of identifying and implementing programs and projects to strengthen self-governance, alleviate poverty, protect the environment and cultural integrity, and build lasting peace and genuine development within ancestral domains of particular ICCs or IP groups. Hence the ADSDPP document shall contain three parts as follows:

a. **Ancestral Domain and Community Situationer**

- 1) **Ancestral Domain Situationer.** This component shall include the profile and conditions of the natural base or resources of the ancestral domain such as its environmental and ecological conditions and other land and spatial conditions as maybe defined by the community. It shall also include the indigenous resource systems and management practices and customs and traditions as well as a description of the land ownership systems that helped shape the present conditions of the ancestral domain and the IC/IP community as owners and stakeholders. The problems and conditions shall also be determined, especially, but not limited to, the environmentally critical areas.
- 2) **Community Situationer.** This component shall include the history of the tribe, their origin and time immemorial formation of the ICCs/IPs as a distinctive social and cultural group. It shall also present and discuss the life ways of the ICCs/IPs and their social, cultural, political and economic systems and status of human development, including the prevailing conditions and situations as well as the factors affecting the development of ICCs/IPs. The agriculture and agro-forestry as major activities in ancestral domains shall be described to include the traditional or customary practices such as the traditional systems of self-help or mutual cooperation. Potential economic activities or opportunities may also be established in this component.
- 3) **Indigenous Knowledge Systems and Practices (IKSPs).** The indigenous knowledge systems and practices of IC/IP communities on land use systems, land ownership systems, forest and watershed management and protection, water resource management and protection, marine resource management, and mineral resource management and protection basically form part of the sustainable development and protection plan. The manner of transferring IKSPs through generations shall also be indicated as well as the capacity of ICCs/IPs to protect their community intellectual rights.
- 4) **Development Needs of the ICCs and their Ancestral Domain.** This portion shall highlight the needs, problems and concerns to fully develop the ICCs/IPs and their ancestral domains. It shall also identify collective/or community traditional capacities used to either protect or claim their rights to

their ancestral domains and lands, to self-governance and empowerment, social justice and human rights and right to cultural integrity. The extent or magnitude of the problem shall be presented and concerns for determining priorities shall be indicated. Likewise, the strengths, weaknesses, threats and opportunities as well as probable resources shall be indicated.

- b. **Development Plans and Programs** – The ADSDPP shall specify plans and programs to meet the identified needs of the community and the ancestral domain. The spatial and development plans/programs and activities include those pertaining to, among others, ancestral domain/territorial integrity, forest and marine conservation/protection or renewal, water security, pollution prevention, environmentally critical areas, commitment to maintain ecological balance, land utilization and management, and the socio-economic or human resources development of the ICCs/IPs.
- c. **Implementation Policies and Mechanisms** - The ADSDPP shall embody policies, structures, procedures and other mechanisms to ensure the implementation of the plan. The implementation plan may include the following:
 1. **Regulatory Instruments.** The ICCs/IPs shall clearly define the manner and the tools for regulating the use of land, marine and natural resources within the ancestral domain.
 2. **Implementation Schemes.** In the implementation of the ADSDPP, consideration of the following is suggested:
 - a. The IP community shall take full ownership, responsibility and accountability for the programs/ projects' outputs and activities;
 - b. Accountability would measure performance, pinpoint responsibility, and allow continuous improvement; and
 - c. Plans and programs would lead to the sustained development of the ICCs/IPs capacities to claim/assert their rights.
 3. **Benefit and Responsibility Sharing Schemes.** The plan shall contain specific policies on sharing of benefits, if any, as well as responsibilities among ICCs/IPs. In case, of benefits from utilization, extraction or development of resources, Section 2, Part II, Rule III of the rules and regulations implementing the IPRA shall be applied. Likewise, schemes to fulfill the responsibility of maintaining ecological balance and restoring denuded areas in the ancestral domain shall also be specified in the plan.
 4. **Packaging and Marketing.** The preparation of the sustainable development and protection plan as a package of programs, plans and projects and the presentation for funding thereof before government agencies and instrumentalities, the private sector, international aid agencies, and other donor groups is an option for the concerned ICCs/IPs to exercise.
 5. **Monitoring & Evaluation.** The progress of the ADSDPP implementation shall be the full responsibility of the ICCs/IPs and the tools to monitor and evaluate the IP community's ADSDPP shall form part of the Plan.

ARTICLE III THE ADSDPP FORMULATION

Section 8. Basic Steps in the ADSDPP Formulation. The formulation of the ADSDPP shall primarily be guided by the principle of self-determination, participatory planning and cultural integrity with the main objective of ensuring the sustainable development and protection of ancestral domain resources and the enforcement of the rights of ICCs/IPs to their ancestral domain as well as their rights as a people and as citizens. The responsibility of formulating the ADSDPP rests with the community and they may avail of the services and expertise of other agencies and support groups. Upon request of ICCs/IPs, the NCIP shall facilitate the formulation of the ADSDPP, and the planning process shall proceed as follows:

- a. **Pre-Planning Consultations.** In preparation for the ADSDPP formulation, a series of consultations shall be conducted by the NCIP field office with the following objectives:
 1. Fully inform and educate all IC/IP community members of their rights and responsibilities pursuant to existing policies and regulations.
 2. Get the commitment of concerned IC/IP community members to formulate their ADSDPP.
 3. Identify members of the working group to formulate the ADSDPP.
- b. **Organization of the Working Group/Planning Team.** A Working Group or Planning Team shall be organized which shall comprise the traditional leaders and recognized representatives from all ICC/IP sectors such as the women, youth, children, farmer/fisher folks of the tribe that owns the ancestral domain. To facilitate the planning process, sub-working groups may be organized by ancestral domain unit and/or ICC/IP sector to assist the core Working Group.
- c. **Preparation of Work and Financial Plan (WFP).** Prior to the formulation of the ADSDPP, the core Working Group (WG) shall prepare a work and financial plan indicating the planning activities, specific outputs, schedules, responsible persons/groups per activity, and the budgetary requirements including probable resources or sources of funds. This shall be done in consultation with the Council of Elders and other members of the community. Thereafter, the same shall be endorsed to the NCIP, through the provincial and regional offices, for approval and possible funding assistance.
- d. **Data Gathering and Assessment.** Data gathering or baseline survey and assessment is the preliminary step in the planning process to produce the ancestral domain profile and situationer. The Working Group(s) shall conduct a participatory baseline survey focusing on the existing population, natural resources, development projects, land use, sources of livelihood, income and employment, education and other concerns. The survey shall include the documentation of the ICC/IP culture or IKSPs and historical accounts or inventory of documents relative to the sustainable development and protection of the ancestral domain. Likewise, it includes the appraisal of the quality and quantity of existing natural resources in the ancestral domain. The baseline survey shall target both secondary and/or primary data with the aid of survey instruments and procedures.

The Working Group shall assess the data/information, identify and prioritize problems/issues and concerns, determine needs and gaps, and try to understand the underlying causes and how particular problems affect particular sectors of the community. The output shall be presented to the community for validation of its accuracy and reliability before proceeding to the succeeding steps of the ADSDPP formulation process hereunder.

- e. ***IP/AD Development Framework Formulation.*** Immediately after the validation of the assessed data, the community shall collectively formulate the framework for their development as a people and the sustainable development and protection of their ancestral domain. This shall reflect their collective vision, mission, general objectives or long-term goals, priority concerns and development strategies that will set the direction of the program/project identification and prioritization in the ADSDPP. The process shall involve the evaluation of alternative development options without compromise of the ICCs/IPs' duties and responsibilities to their ancestral domains. The framework shall be written in the language understood by all IC/IP community members, and translated in English.
- f. ***Interface of IP/AD Development Framework with Existing Government Policies/Plans/Programs/Projects, Rules and Regulations.*** After completion of the IP/AD development framework, other government and non-government agencies, most crucial of which are the DENR, DA, DAR, DPWH, and so forth shall be invited to present their existing policies/plans/programs/projects so that ICCs/IPs will be fully apprised of development opportunities as well as limitations. The inputs, with possible commitments, will further guide the identification of programs in the ADSDPP. On the other hand, other GOs and NGOs will be informed of the real desires and aspirations of ICCs/IPs, which they may consider in the review and reformulation of their respective policies/plans/programs/projects.
- g. ***Program/Project Identification and Prioritization.*** Based on the development framework, programs/projects/activities including basic services required shall be identified and prioritized. A brief description of each program, project and activity shall be presented and suggestions on implementation strategies and/or mechanisms may be included. The presentation shall include all available resources and external assistance that could be tapped by the IC/IP community.
- h. ***Formulation of ADSDPP Implementation Strategies and Management Plan.*** Proposed plans to implement and manage the ADSDPP and its specific parts shall be indicated to include the monitoring and evaluation systems and tools to be used in measuring and checking the progress of development programs and projects. The Council of Elders/Leaders shall oversee the implementation and management of the ADSDPP notwithstanding the visitorial powers of the NCIP. To assist the Council of Elders/Leaders (CEL), the IC/IP community may institute a special body or bodies that will take charge of specific tasks that will be identified.
- i. ***Presentation, Validation and Approval of Draft ADSDPP with IC/IP Community Members.*** The working group shall conduct IC/IP community assembly(ies) to present the draft ADSDPP for their validation and approval. The presentation shall be aided by visuals including maps and in a manner that is understood by all IC/IP community members. When applicable, the English translation of the ADSDPP shall also be subject for validation.
- j. ***Submission of ADSDPP to NCIP.*** Upon validation and approval, the community through its Council of Elders/Leaders shall submit the ADSDPP to the NCIP through the Provincial Office (PO). The ADSDPP shall be incorporated into the Medium Term or Five Year Master Plan for ICCs/IPs, which shall be the basis of programs/projects to be identified in the annual and medium term budgetary proposals of the NCIP as well as other agencies concerned with the welfare of ICCs/IPs.

Section 9. Incorporation of the ADSDPP into the Local Government Plans. After approval of their ADSDPP, the ICCs/IPs shall submit the same to the municipal and provincial government units having territorial and political jurisdiction over them for incorporation in their development and investment plans. The LGUs are also encouraged to provide financial and technical assistance in the implementation of the ICCs/IPs' development plans.

ARTICLE IV SUPPORT TO ICCs/IPs FOR ADSDPP FORMULATION

Section 10. NCIP Role and Support. The NCIP, with the Ancestral Domains Office as lead office, shall assist the ICCs/IPs in the formulation and implementation of their ADSDPP in the following manner:

- a. Help facilitate and document the planning process;
- b. Organize the ICCs/IPs and ensure that they are well informed of their rights to effectively participate and successfully formulate their ADSDPPs;
- c. Provide and/or facilitate the provision of technical assistance in the formulation of ADSDPPs through the field offices, particularly the provincial offices;
- d. Provide information and assist the concerned ICC/IPs in tapping or utilizing external resources and accessing basic services of the different government agencies and other support groups;
- e. Ensure that the ADSDPPs include plans/programs/activities in compliance to the ICCs/IPs' duties and responsibilities to their ancestral domains;
- f. Ensure that the ADSDPPs are incorporated in the local development plans; and
- g. Install the mechanism to ensure that the ADSDPPs shall serve the purpose of certification precondition as provided in the NCIP Administrative Order. No. 3, series of 2002.

Section 11. Capacity Building of ICCs/IPs. The capacity of ICCs/IPs to formulate and implement the ADSDPP shall be developed in terms of techniques in planning, development technologies, documentation of historical accounts and culture, project development, production of localized IEC materials, resource mobilization or fund sourcing, and plan management. The ICCs/IPs through their Council of Elders/Leaders may execute an undertaking/agreement with expert individuals or entities/support groups along this endeavor, with NCIP as third party. Any entity/person(s) who are willing to assist in the ADSDPP formulation shall present their proposal for consideration by the Council of Elders/Leaders.

ARTICLE V SPECIAL PROVISIONS

Section 12. Conversion of ADMPs/ADRMPs to ADSDPPs. ICCs/IP communities may modify their existing Ancestral Domain Management Plans or Ancestral Domain Resource Management Plans pursuant to DENR DAO 96-34 and other plans into ADSDPPs in accordance with these guidelines. For this purpose, the community may constitute a team to review the ADMP/ADRMP. However, communities that opt not to modify their ADMPs/ADRMPs shall still submit copy of said plans to the NCIP.

Section 13. Ancestral Lands within Ancestral Domains. Members of ICCs/IPs may opt to secure formal recognition or Certificate of Ancestral Land (CALT) of their individually owned lots within ancestral domains.

Section 14. Migrants within Ancestral Domains. The rights of migrants in ancestral domains to their private properties will be respected and protected in accordance to Section 56 of the IPRA. On the other hand, the migrants shall also recognize the rights of the ancestral domain owners.

Migrants occupying specific areas as distinct community within an ancestral domain can formulate their own development plan provided this does not impinge on the interest and welfare of the ancestral domain owners. Any expansion of occupied areas and/or development plan not in line with the ADSDPP shall be subjected to FPIC as provided in NCIP AO No. 3, series of 2002.

Section 15. Conflict of ADSDPP with other Plans. In case of conflict with other plans, the ADSDPP as approved by the community shall take precedence over the other plans. If conflict is between the ADSDPP and its consolidated version at the municipal, provincial, regional or national level, the original ADSDPP as approved by the community shall prevail.

Section 16. Resource Utilization. The traditional utilization of resources by ICCs/IPs within their ancestral domains that is governed by customary laws, traditions and practices of the IP/IC community shall be recognized and respected.

Section 17. Confidentiality of Information. All information on the concerned ICCs/IPs community obtained in the course of the preparation of the ADSDPP shall be considered part of the community intellectual property, and is deemed private and confidential and be held as such unless the free and prior informed consent (FPIC) of the IP/IC community is secured.

Section 18. Free and Prior Informed Consent. Extractive utilization and exploitation of resources within ancestral domains notwithstanding the ADSDPP shall be subjected to FPIC as provided in NCIP AO No. 3, series of 2002.

Section 19. Orientation on the Guidelines for ADSDPP Formulation. A nationwide orientation on these guidelines shall be conducted for the key ICC/IP elders/leaders, assisting NGOs, and the NCIP staff at all levels.

Section 20. Prohibition. Any person, group or entity shall be prohibited from undue interference in the formulation of ADSDPPs.

Section 21. Sanctions. Any violation of the provisions hereof by any personnel of the NCIP shall be a ground for disciplinary action and where a staff/representative of an NGO and IPO is involved, customary law and/or application of Section 5, Part II, Rule IV of the IRR may apply without prejudice to the filing of the appropriate criminal case for acts and omissions defined and punished under applicable laws.

ARTICLE VI FINAL PROVISIONS

Section 22. Repealing Clause. Sections 1, 2 and 3, Part II, Rule VII of Administrative Order No. 1, series of 1998 are hereby modified accordingly.

Section 23. Effectivity. This Administrative Order shall take effect fifteen (15) days after its full publication in two (2) newspapers of general circulation in the Philippines.

Approved:

January 30, 2004

(SGD.) EVELYN S. DUNUAN
Commissioner, CAR and Region I

(SGD.) CORAZON M. ESPINO
Commissioner, Region II

(SGD.) PABLO SANTOS
Commissioner, Region III and Rest of Luzon

(SGD.) LAGTUM A. PASAG
Commissioner, Island Groups

(SGD.) NORMA M. GONOS
Commissioner, Southern & Eastern Mindanao

(SGD.) EDTAMI P. MANSAYAGAN
Commissioner, Central Mindanao

(SGD.) HON. REUBEN DASAY A. LINGATING
Chairman