

# Indigenous Peoples Planning Framework

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Project Number: 46420  
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## Proposed Loan Republic of the Philippines: KALAHI–CIDSS National Community-Driven Development Project

Prepared by Department of Social Welfare and Development for the Asian Development Bank. This is an updated version of the draft originally posted in April 2013 available on <http://www.adb.org/projects/46420-002/documents>.

**NOTE:**

This is a draft safeguards framework document. The safeguards framework is to be consistent with the ADB SPS requirements. The framework will be revised and updated prior to implementation. If there are any instances of inconsistency with the ADB SPS, the latter requirements shall apply and are to be incorporated in the updated framework.

## CURRENCY EQUIVALENTS

(as of 2 December 2013)

Currency unit	–	peso/s (P)
P1.00	=	\$0.0228
\$1.00	=	43.77

## ABBREVIATIONS

ACT	–	area coordinating team
ADB	–	Asian Development Bank
ASDPP	–	Ancestral Domain Sustainable Development & Protection Plan
CADT	–	Certificate of Ancestral Domain Title
CDD	–	community-driven development
CEAC	–	Community Empowerment Activity Cycle
DSWD	–	Department of Social Welfare and Development
EMA	–	external monitoring agent
FPIC	–	free and prior informed consent
GRS	–	grievance redress system
ICC	–	indigenous cultural community
IP	–	indigenous peoples
IPRA	–	indigenous peoples rights act
KALAHI–CIDSS	–	<i>Kapit-Bisig Laban sa Kahirapan</i> (Linking Arms against Poverty)– Comprehensive and Integrated Delivery of Social Services
KC-NCDDP	–	KALAHI–CIDSS National Community-Driven Development Project
LGU	–	local government unit
M&E	–	monitoring and evaluation
MIBF	–	Municipal Inter-Barangay Forum
NCIP	–	National Commission on Indigenous Peoples
NPMO	–	national project management office
RPMT	–	regional project management team

## GLOSSARY

*Definitions are mostly adopted from the Indigenous Peoples Rights Act of 1997 (IPRA).*

Ancestral Domain	Areas generally belonging to indigenous peoples (IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by the IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It will include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly
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	the home ranges of IPs who are still nomadic and/or shifting cultivators.
Ancestral Domain Sustainable Development & Protection Plan (ADSDPP)	Consolidation of plans of indigenous cultural communities (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.
Ancestral Land	Land occupied, possessed and utilized by individuals, families and clans who are members of the IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.
Certificate of Ancestral Domain Title (CADT)	A title formally recognizing the rights of possession and ownership of IPs over their ancestral domains identified and delineated in accordance with IPRA.
Certificate of Non-Overlap	A certificate issued by the National Commission on Indigenous Peoples (NCIP) attesting to the fact that the area where a particular plan, program, project or activity will be done, does not overlap with or affect any ancestral domain.
Certification Precondition (CP)	A certificate issued by the NCIP, signed by the Chairperson, attesting to the grant of FPIC by the concerned ICCs/IPs after appropriate compliance with the requirements provided in this guidelines.
Communal Claims	Claims on land, resources and rights thereon belonging to the whole community within a defined territory
Consensus-Building	A part of the decision-making process undertaken by the ICCs/IPs through their indigenous socio-political structures and practices in arriving at a collective/communal decision.
Culture Sensitive	The quality of being compatible and appropriate to the culture, beliefs, customs and traditions, indigenous systems and practices of IPs.
Customary Laws	A body of written or unwritten rules, usages, customs and practices traditionally observed, accepted and recognized by respective IPs.
Customs and Practices	Norms of conduct and patterns of relationships or usages of a community over time accepted and recognized as binding on all members.
Field-Based	A ground investigation undertaken to determine whether or not the

Investigation (FBI)	plan, program, project or activity overlaps with, or affects, an ancestral domain, the extent of the affected area, and the ICCs/IPs whose FPIC is to be obtained.
Free and Prior Informed Consent	A consensus of all members of an IP community to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.
Indigenous Knowledge Systems and Practices	Systems, institutions, mechanisms, and technologies comprising a unique body of knowledge evolved through time that embody patterns of relationships between and among peoples and between peoples, their lands and resource environment, including such spheres of relationships which may include social, political, cultural, economic, religious spheres, and which are the direct outcome of the indigenous peoples, responses to certain needs consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions.
Indigenous elder/leader	Indigenous elders/leaders emerge from the dynamics of customary laws and practices; they evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs. They are recognized as authority in conflict resolution and peace-building processes, on spiritual rites and ceremonies and in doing so, possess the attributes of wisdom and integrity. They lead and assist the community in decision- making processes towards the protection and promotion of their rights and the sustainable development of their ancestral domains.
Indigenous People	A group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. IPs also include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.
Migrant	A person who is not a native to the ancestral domain or not a part owner of ancestral land but who, as a consequence of social, economic, political or other reasons, such as displacement due to

natural disasters, armed conflict, population pressure, or search for seasonal work, opted to occupy and utilize portions of the ancestral land/domain and have since then established residence therein.

Protected Area

Identified portions of land and water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

Self-governance and  
Self-determination

The inherent right of ICCs/IPs to self-governance and self-determination includes the right to pursue their economic, social, and cultural development; promote and protect the integrity of their values, practices and institutions; determine, use and control their own organizational and community leadership systems, institutions, relationships, patterns and processes for decision- making and participation.

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## I. INTRODUCTION

### A. Project Description

1. The proposed emergency assistance loan to the Republic of the Philippines for the KALAHI–CIDSS National Community-Driven Development Project (the project) will support the implementation of the *Kapit-Bisig Laban sa Kahirapan* (Linking Arms against Poverty)–Comprehensive and Integrated Delivery of Social Services (KALAHI–CIDSS) National Community-Driven Development Project (KC-NCDDP) to restore basic social services and rebuild communities affected by Typhoon Yolanda (international name: Haiyan).<sup>1</sup>

2. **Typhoon Yolanda.** On 8 November 2013, Typhoon Yolanda hit the central Philippines, leaving behind an unprecedented path of destruction.<sup>2</sup> As of 1 December 2013, death toll stands at 5,632, with another 1,759 still missing, 26,136 injured, and about 0.89 million families or 4.11 million people displaced.<sup>3</sup> It is estimated that additional 1.5 million persons may have fallen into poverty immediately after typhoon Yolanda, or 24% rise in the number of poor in Central Philippines and 7.1% nationwide.<sup>4</sup> Preliminary government estimates indicate that Typhoon Yolanda and other recent disasters may have cut the national economic growth rate by 0.3–0.8 percentage points in the fourth quarter of 2013 alone, which is equivalent to \$900 million–\$2.5 billion of lost gross domestic product (GDP) in 2013. ADB’s preliminary forecast for 2014 is that the drop in the GDP growth rate could be as high as 1 percentage point. The combined regional economies of Central Visayas, Eastern Visayas, and Western Visayas – which account for 12.5% of the country’s GDP – could shrink by 4.0%–8.0% in 2014. Eastern Visayas’ economy could contract by 30.0% or more in 2014.

3. The proposed project is aligned with the Asian Development Bank’s (ADB’s) Disaster and Emergency Assistance Policy by assisting the government restore and rebuild economic, social and governance activities in typhoon-affected communities. It is also aligned with ADB’s sector and thematic assessments, which stress strengthening capacity for disaster risk management, and promoting gender equality and women’s empowerment. ADB has closely coordinated with the government and other development partners in the design of the project as well as in rehabilitation and recovery efforts. The project is consistent with the government’s Yolanda Recovery and Rehabilitation Plan (YRRP).

4. **Impact and outcome.** The impact of the project will be improved resiliency of poor communities to natural hazards. The outcome will be improved access to services and infrastructure for communities in affected provinces and their participation in more inclusive local disaster risk reduction and management planning, budgeting, and implementation.

5. **Output 1: Community-driven development (CDD) subprojects selected, implemented, and completed.** Planning and investment grants will be provided to more than 6,000 barangays, benefiting an estimated 900,000 households. Planning grants will support participatory and gender-inclusive planning by barangay residents as well as technical assistance to ensure effective subproject selection and implementation. Investment grants will

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<sup>1</sup> The National Economic and Development Authority Board approved the KC-NCDDP on 18 January 2013. The design of KC-NCDDP has been subsequently adjusted to address the recovery needs of typhoon-affected communities. More broadly, the KC-NCDDP aims to bring about more equitable access to basic services, reduce poverty, and achieve inclusive growth in the poorest areas of the country.

<sup>2</sup> Summary Initial Disaster Needs Assessment (accessible from the list of linked documents in Appendix 2).

<sup>3</sup> National Disaster Risk Reduction and Management Council, Situation Report No. 49. 1 December 2013.

<sup>4</sup> ADB estimates.

support subprojects and activities that respond to community priorities.<sup>5</sup> Rehabilitation and recovery efforts will emphasize building back better and disaster-resilient community infrastructure. Subproject eligibility will be based on an open menu and subject to an exclusion list.<sup>6</sup> The open menu will include community proposals on disaster response and risk reduction.

6. Community planning will be facilitated in barangays. KC-NCDDP staff will *undertake* community organization and facilitation in cooperation with community volunteers trained in participatory planning and subproject preparation and implementation. Community subprojects will be identified and selected for submission to a municipal forum. Community leaders and volunteers selected by barangay residents will represent their barangay in the forum where subprojects will be prioritized based on size of the investment grant allocated to the municipality and locally agreed selection criteria.<sup>7</sup> Program staff will undertake due diligence on subprojects before funding is committed.<sup>8</sup> Barangays with prioritized subprojects will organize implementation teams to supervise and administer the subprojects.

7. **Output 2: Institutional and organizational capacity strengthened.** The project will support capacity development of municipal Department of Social Welfare and Development (DSWD) program staff who will provide facilitation support, technical assistance, subproject oversight, and local coordination.<sup>9</sup> About 4,000 program staff and their local government unit (LGU) counterparts will be trained in CDD, development planning and management, conflict resolution, mediation within and between barangays, quality review, local poverty assessment, and monitoring and evaluation (M&E). The project will undertake capacity development activities that will enhance program and financial management systems, particularly suited for disaster response. Program staff and KC-NCDDP stakeholders will be trained to (i) develop competencies in disaster-risk management; (ii) apply environmental and social safeguard policies; (iii) respond to special circumstances such as vulnerability to natural hazards and climate change, presence of indigenous communities, and areas affected by conflict; (iv) facilitate community organization to ensure the inclusion and participation of marginalized groups in subprojects; and (iv) embed participatory approaches in government systems and processes. The project will strengthen the KC-NCDDP grievance redress, social accountability mechanisms, and knowledge development and exchange.

8. **Output 3: Program management and monitoring and evaluation systems enhanced.** The project will strengthen program management and M&E systems by supporting the development and maintenance of a management information system in DSWD for tracking,

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<sup>5</sup> Investment grant amounts are based on a formula using population size and poverty incidence.

<sup>6</sup> The open menu of subprojects includes community water systems, schools, day-care centers, health stations, electrification, tribal housing, access roads, small bridges or footbridges, pre- and post-harvest facilities, equipment and materials support, irrigation, drainage, sanitation, flood control, seawalls, soil protection, and artificial coral reef sanctuaries. In the aftermath of disasters, the menu may be adjusted to allow investments needed or justified in a post-disaster or emergency context (e.g., repair of public buildings, debris removal, shelter construction and repairs, use of chainsaws for cutting fallen trees), including investments for cash for work or food for work, as mutually agreed by DSWD and ADB. The exclusion list includes activities that may be harmful to the environment or indigenous peoples such as weapons, chainsaws, explosives, pesticides, insecticides, herbicides, asbestos, and other potentially dangerous materials and equipment; fishing boats and nets exceeding the government-prescribed size and weight; road construction into protected areas; political and religious activities, rallies, and materials; and activities employing children under 16 or unfairly exploiting women or men of any age.

<sup>7</sup> Paras. 29 to 30 of the project administration manual discuss subproject selection criteria and process.

<sup>8</sup> This will comprise technical, economic, social, and financial viability assessments, including safeguard compliance.

<sup>9</sup> In response to a government request, a capacity development technical assistance for \$1.5 million will be prepared and financed separately. It will complement capacity development under the KC-NCDDP with the (i) formulation of a learning and development framework; (ii) completion of curriculum design and learning modules; and (iii) establishment of institutional support systems.

measuring, and reporting progress using key performance indicators. The system will include national and regional electronic file management of community requests for fund release and supporting documents. The project will also support third party M&E, at least one special study, and capital expenditure requirements for program management. The KC-NCDDP operations manuals have been updated and harmonized with ADB policies and procedures.

## B. Rationale for Indigenous Peoples Planning Framework

9. The key elements of KC-NCDDP are the transfer of investment resources to communities, and the participatory processes involved in the design and implementation of subprojects. A Community Empowerment Activity Cycle (CEAC) is followed in each participating community to identify and implement subprojects. The CEAC has four stages (i) social preparation, (ii) subproject identification and development, (iii) subproject selection and approval, and (iv) subproject implementation.

10. Eight out of nine regions affected by Yolanda have barangays with indigenous peoples (IP) populations. IP communities are expected to benefit from the project as shown by the experience of the DSWD in the implementation of KC-NCDDP. These IP areas may either belong to ancestral lands of IPs or have IP presence. Table 1 shows the typology of IP communities under the KC-NCDDP. Location in this case notes the presence of ancestral domains that have been awarded with Certificates of Ancestral Domain Titles (CADT), and which validate the presence of people with indigenous knowledge systems and practices distinct from mainstream Filipino society.

**Table 1: Typologies of IP Communities under KC-NCDDP**

By population	By location
(i) Communities where all HHs are IPs; (ii) Communities where the majority of HHs are IPs, but where there is a significant non-IP minority; and (iii) Communities where IPs are not the majority, but where the IP population is significant.	(i) Within ancestral domain areas, covered by a CADT or an existing CADC; and (ii) Outside ancestral domain areas.

CADC = certificate of ancestral domain claim, CADT = Certificate of ancestral domain title, HH = household, IP = indigenous peoples.

Source: Department of Social Welfare and Development. National Community-Driven Development Program

11. Under the ADB Safeguards Policy Statement 2009 (SPS 2009), IP safeguards are triggered if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs, or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as their ancestral domain.<sup>10</sup> However, by its nature, a CDD project cannot a priori determine the types of subprojects until communities select them. Subprojects will only be known during project implementation. Given the expected benefits and positive impacts of subprojects on IPs, an IP Planning Framework (IPPF) is deemed necessary and thus prepared.<sup>11</sup> Further, the loan emergency assistance modality only requires preparation of the IPPF prior to Board approval to guide the preparation of the Indigenous Peoples Plan (IPP).

<sup>10</sup> ADB. 2009. *Safeguards Policy Statement 2009 (Appendix 3)*. Manila.

<sup>11</sup> As it is an emergency assistance loan, reference has to be made to Disaster response operation manual of DSWD.

## II. OBJECTIVES AND POLICY FRAMEWORK

### A. Objectives and Principles

12. The objectives of this IPPF are to (i) provide guidance for subproject selection, screening, and assessment of social impact, (ii) provide guidance in the preparation and implementation of IPP for subprojects, and (iii) facilitate compliance with the requirements specified in the SPS Safeguards Requirement 3. The IPPF will guide project implementers in ensuring that IPs are informed, consulted and mobilized during the subproject identification, prioritization, and implementation in accordance with the ADB Safeguard Policy Statement 2009.

13. The project will ensure (i) informed participation of IPs in the CEAC so that they will be in a position to receive culturally compatible social and economic benefits, and (ii) that IPs will not be adversely affected by subproject implementation. It will (i) ensure that IPs in target municipalities will be able to provide input to local planning activities, (ii) facilitate the participation of IPs in selecting community subprojects through informed decision-making, (iii) ensure that IPs actively participate and lead in the design, development, and implementation of community projects, and (iv) provide feedback on project implementation, benefits, and risks to IP groups.

### B. Legal Framework

14. The key policy consideration for an IPPF in the project are: (i) recognition of the basic rights of indigenous peoples as the original occupants in the specified area, whether on a permanent or seasonal basis;<sup>12</sup> (ii) respect for culture and practices of IP that may be different from the mainstream, but has value to the community; and (iii) recognition of the right of IPs to directly participate in the development process, as an integral component of the project.

15. The subproject design and implementation will be guided by (i) national laws on IPs, (ii) ADB SPS 2009, and (iii) the Environmental and Social Management Framework (ESMF) of the DSWD.

#### 1. National Laws

16. The national policies on IPs are embodied in the Indigenous Peoples Rights Act of 1997 (IPRA). The IPRA enumerates and explains the basic rights and obligations of IPs to their ancestral domains, including self-governance, social justice, and cultural integrity, and the primacy of customary laws. It created the National Commission on Indigenous Peoples (NCIP), the government institution mandated to administer and implement the IPRA. It defines the role and extent of NCIP's jurisdiction in protecting IP rights.<sup>13</sup>

<sup>12</sup> Occupation can be considered broadly as the communities having sociocultural links and sense of place in relation to an area.

<sup>13</sup> Other pertinent issuances are (i) AO No. 1, Series of 2004. *Guidelines On The Formulation Of The Ancestral Domain Sustainable Development And Protection Plan* (ADSDPP); (ii) AO No. 1 Series of 2012. *The Indigenous Knowledge Systems and Practices (IKSPs) and Customary Laws (CLs) Research and Documentation Guidelines of 2012*; (iii) AO 2 Series of 2012. *The General Guidelines On The Confirmation Of Indigenous Political Structures And The Registration Of Indigenous Peoples' Organizations*; (iv) AO No. 3 Series of 2012. *The Revised Guidelines On Free And Prior Informed Consent (FPIC) And Related Processes Of 2012*; (v) AO No. 4 Series of 2012. *Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands of 2012*.

17. The following laws affect IPs and their rights, which may in turn affect project implementation.

- (i) **The Comprehensive Agrarian Reform Law or CARL (RA 6657)** mandates that the state will apply the principles of agrarian reform, or stewardship, whenever applicable, in the disposition or utilization of other natural resources, including lands of the public domain, and their lease or concession, suitable to agriculture, subject to prior rights of indigenous communities to their ancestral lands.
- (ii) **The Local Government Code of 1991 (RA 7160)** provides IPs with the option to establish tribal barangays as similarly recognized by the IPRA.<sup>14</sup>
- (iii) **The National Integrated Protected Areas System (NIPAS) Act of 1992 (RA 7586)** safeguards protected areas (PAs) from further encroachment. It allows the implementation of development projects with compatible uses, or which enhance the protection of these PAs. It includes specific provisions that protect the rights of IP communities to their ancestral domain.<sup>15</sup>
- (iv) **The Philippine Mining Act of 1995 (RA 7942)** requires proponents of mining projects in IP areas to secure an IPs' free and prior informed consent.
- (v) **The Conservation and Protection of Wildlife Resources and their Habitats Act of 2001(RA 9147)** mandates that the collection of wildlife by IPs may be allowed for traditional use and not primarily for trade.<sup>16</sup>

## 2. ADB Safeguards Policy Statement of 2009

18. The ADB's SPS 2009 defines "indigenous peoples" as a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) distinct language, often different from the official language of the country or region. This may cover a group that has lost collective attachment to geographically distinct habitats or ancestral territories within a project area because of forced severance.

19. The ADB IP safeguards policy underscores the following (i) avoidance of adverse impacts of projects on environment and affected people, where possible; (ii) minimization, mitigation, and/or compensation for adverse impacts on environment and affected people, when avoidance is not possible; and (iii) assistance in strengthening country safeguard systems and development of capacity to manage environmental and social risks.

20. Should ADB projects affect IPs, a set of general policy requirements will be observed to maintain, sustain, and preserve the IPs' cultural identities, practices, and habitats (SPS 2009, SR-3), as follows:

<sup>14</sup> Section 18 of the IPRA states that IPs "living in contiguous areas or communities where they form the predominant population but which are located in municipalities, provinces, or cities where they do not constitute the majority of the population, may form or constitute a separate barangay in accordance with the Local Government Code on the creation of tribal barangays"

<sup>15</sup> Related to this is the Implementing Rules and Regulations (IRR) of Department AO (DAO) 92-25 that states "The zoning of a protected area and its buffer zones and management prescriptions within those zones will not restrict the rights of indigenous communities to pursue traditional and sustainable means of livelihood within their ancestral domain unless they so concur."

<sup>16</sup> "Traditional use" means utilization of wildlife by indigenous people in accordance with written or unwritten rules, usage, customs, and practices traditionally observed, accepted and recognized by them.

- (i) **Consultation and Participation.** The borrower/client will undertake meaningful consultation with affected IPs to ensure their informed participation.
- (ii) **Social Impact Assessment.** When screening confirms likely impacts on IPs, the borrower/client will retain qualified and experienced experts to carry out social impact assessment.
- (iii) **Indigenous Peoples Planning.** If the screening and social impact assessment indicate that the proposed project will have impacts, positive and/or negative, on IPs, the borrower/client will prepare an IPP in the context of the assessment and through meaningful consultation with the affected IP communities.
- (iv) **Information Disclosure.** The borrower/client will submit to ADB the following documents to be disclosed on ADB website (a) a draft IPP and/or an IPPF, endorsed by the borrower/client, before appraisal; (b) a final IPP upon completion; (c) a new or updated IPP and a corrective action plan prepared during implementation, if any; and (d) monitoring reports.
- (v) **Grievance Redress Mechanism.** The borrower/client will establish a mechanism to receive and facilitate resolution of the affected IP communities' concerns, complaints, and grievances.
- (vi) **Monitoring and Reporting.** The borrower/client will monitor and measure the progress of implementation of the IPP.
- (vii) **Unanticipated Impacts.** If unanticipated impacts on IPs become apparent during project implementation, such as a change in the project's footprint, the borrower/client will carry out a social impact assessment and update the IPP or formulate a new IPP covering all applicable requirements specified in this document.

21. The SPS 2009 provides a set of special requirements should a project (i) be within ancestral domains, lands and related natural resources, (ii) involve commercial development of cultural resources and knowledge of IPs, (iii) be one that causes physical displacement from traditional or customary lands, and (iv) involve commercial development of natural resources within customary lands, which would impact on livelihoods or cultural, ceremonial, or spiritual uses that define the identity and community of IPs.

### C. Environment and Social Management Framework

22. The DSWD has prepared the ESMF<sup>17</sup> for the KC-NCDDP. The ESMF unifies the environmental and social safeguard policies of government, ADB, and the World Bank (WB)<sup>18</sup> to make sure that all subprojects undertaken by communities are environmentally and socially compliant with these policies. It ensures that (i) appropriate measures are applied in the integration of environmental and social concerns during the CEAC process, (ii) subprojects are designed to avoid or minimize negative environmental and social effects, and (iii) mitigation measures are developed and implemented as part of subproject design and implementation, should there be any. The ESMF includes specific guidelines on (i) environmental safeguards, (ii) land acquisition, resettlement, and rehabilitation (LARR), and (iii) IP safeguards.

23. For the contingent disaster response sub-component, no activities are anticipated that would require provisions and mitigation measures significantly different from the main KC-NCDDP. All key relevant provisions for environmental and social management are already contained in the ESMF and would remain fully applicable to the contingent component.

<sup>17</sup> ADB provides inputs to the ESMF to ensure that it has no conflict with ADB's SPS 2009.

<sup>18</sup> WB is also cofinancing the KC-NCDDP.

24. Under the ESMF, subprojects are to be designed and implemented in a way that fosters full respect for dignity, human rights, and cultural uniqueness of IPs so that they receive culturally compatible social and economic benefits, and do not suffer adverse effects during the development process. For projects that affect IPs, the following are required (i) screening to identify whether IPs are present in, or have collective attachment to, the project area; (ii) a social assessment by the borrower; (iii) a process of free, prior, and informed consultation with the affected IP communities at each stage of the project, particularly during subproject preparation, to fully identify their views and ascertain their broad community support for the project; (iv) preparation of an IPPF; and (v) disclosure of IPPF.

25. The project is rated Category A, largely due to the expected positive outcomes and impacts on IPs. While there may be adverse impacts, these are more sociocultural in nature, which require mitigating measures. ADB maintains Category A for IP safeguards and has ensured that its requirements based on the SPS are fully integrated in the ESMF.

26. To enhance the ESMF, the government, ADB and WB agreed on the following:

- (i) Ensure that traditional structures on IP representation and decision-making are harnessed.
- (ii) Establish pertinent and appropriate information disclosure modalities to IP communities.
- (iii) The ADB SPS requirements as well as the ADB Public Communication Policy will serve as guide on project disclosure mechanisms.
- (iv) Unanticipated impacts may become apparent during project implementation, thus a social impact assessment will be conducted, which can result in the updating of IPP or formulation of a new IPP covering all applicable requirements specified in the ESMF. The social impact assessment will be done in accordance with the procedures stipulated under the CEAC.
- (v) Full engagement and coordination with NCIP across levels, parallel to the project implementation structure, will be observed at project start to come up with agreed protocols before engaging with IP communities.
- (vi) Two monitoring mechanisms will be installed (a) internal monitoring; and (b) external monitoring, which will determine if the IPPs for subprojects are being carried out in accordance with the IPPF.

#### **D. Subproject Screening Criteria**

27. The desirable condition for a subproject is to have zero or least number of people negatively affected by its activities. However, it is virtually impossible to have only positive impacts on all stakeholders.

28. Subprojects are selected based on a set of criteria established in a municipal inter-barangay forum (MIBF). The project uses an open menu subject to an exclusion list of activities harmful to the environment or people. The menu also includes a list of subprojects which could be implemented in a post-disaster environment (Table 2).

**Table 2: Activities that can be financed under the KC-NCDDP's Contingent Component**

<b>Positive List</b>	
1) Repair of rural and local roads	7) Collection and removal of technogenic debris (building parts, mixed waste, timber) as uprooted trees and plan debris from public infrastructure,

<b>Positive List</b>	
	public spaces and agricultural areas, and its deposition in pre-existing waste management facilities that are operating under national licensing and regulations and comply with normal practice in the country
2) Backfill, reshaping and landscaping of areas affected by erosion	8) Repair of public buildings (including government offices, meeting hall and places of religious worship – latter TBC) and infrastructure (e.g. transmission lines, street lighting, traffic signs, bus stops)
3) Repair of riverbank protection systems and earth-fill dykes up to 5m height if supervised by a qualified engineer	9) Collection and removal of earth, mud and plant debris from public infrastructure and spaces as well as agricultural areas and its deposition, landscaping and greening at appropriate locations.
4) Repair/reconstruction of small bridges (span up to 15m)	10) Shelters - construction/re-construction of damaged homes of the most affected households.
5) Construction of temporary bypass roads up to 500 m length, if not located in sensitive habitats and land acquisition follows the provisions of the main Environmental and Social Management Framework (ESMF) and bypasses are completely removed and the alignment restored to its original conditions once the need for their service has expired	11) Other similar undertaking such as temporary setting up of school, health and water facilities for access to basic needs and services of affected population including temporary housing for vulnerable population such as children, lactating and pregnant women, elderly and persons with disabilities (PWD).
6) Repair/reconstruction of communal irrigation and water supply systems and of facilities that they have been completed with project funding.	

Source: National Community Driven Development Program Disaster Response Operations Manual, August 2013.

### **III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES**

#### **A. IP Screening**

29. The IPRA defines IPs as “a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory and who have under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds or language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos.”

30. The NCIP considers CDD subprojects as community-solicited or initiated activities. Programs, projects and activities solicited or initiated by the concerned indigenous cultural communities (ICCs)/IPs themselves, where the activity is strictly for the delivery of basic services to be undertaken within or affecting the ancestral domain, do not require compliance with the Field-Based Investigation (FBI)/Free and Prior Informed Consent (FPIC) requirement as provided under NCIP AO No. 3 Series of 2012. However, the subprojects will be subjected to a validation process in which the following will be determined:

- (i) That the ICC, in fact, voluntarily solicited or initiated the plan, program, project or activity to be undertaken;
- (ii) That the plan, program, project or activity conforms with the community's Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) or in



- the absence of the ADSDPP, the concerned community considers the same to form part already of the ADSDPP that they will formulate in the future;
- (iii) That the ICC knows the extent of the plan, program, project or activity and its sociocultural/ environmental impact to the community;
  - (iv) That the parties acknowledge their obligations; or
  - (v) That the plan, program, project or activity is for the delivery of basic services or livelihood projects involving community.<sup>19</sup>

## B. IPs in Post-Disaster KC-NCDDP Areas

31. Based on poverty data (National Statistics Office 2010) the largest concentration of poor municipalities is in Region VIII, followed by Region V, and Region VII. With respect to IPs, Table 3 presents the IP population in the typhoon-affected areas by region. Region VIII has no recorded IP group while a small size of IP population is noted in Regions V and VII.

**Table 3: Regional Distribution of IP Population by KC-NCDDP Post Disaster Target Areas**

Region	Province		Municipality / City		Affected						IP Population		Known/Dominant IP Group
	N	%	N	%	Barangay		Families		Persons		N	%	
					N	%	N	%	N	%			
Grand Total	44	100	629	100	11,996	100.0	2,325,638	100.0	10,956,460	100.0	6,450,252		
1 Region IV-A	5	11	38	6	168	1.4	5,935	0.3	27,076	0.2	936,745		Aeta-Remontado, Agta, Alangan Mangyan, Ati, Ati/Bantoanon, Bantoanon, Batangan Mangyan, Dumagat, Hanunuo, Iraya, Mangyan, Remontado, Tagbanua
2 Region IV-B	5	11	65	10	787	6.6	95,753	4.1	425,903	3.9			
3 Region V	6	14	99	16	1,229	10.2	143,541	6.2	656,239	6.0	213,311		Aeta-Abiyan, Agta, Tabangnon
4 Region VI	6	14	132	21	3,153	26.3	619,073	26.6	2,805,204	25.6	203,912		Ati, Bukidnon, Magahat, Sulod
5 Region VII	4	9	94	15	2,021	16.8	591,935	25.5	2,678,959	24.5			
6 Region VIII	6	14	143	23	4,387	36.6	850,080	36.6	4,271,816	39.0	-		
7 Region X	4	9	10	2	26	0.2	4,253	0.2	19,592	0.2	1,802,266		Bukidnon, Higaonon, Mamanwa, Manobo
8 Region XI	3	7	12		20	0.2	1,008	0.04	5,040	0.05	2,289,268		Ata/Matigsalog, B'laan, Bagobo, Bagobo-Guingan/Clata, Bagobo-Tagabawa, Kalagan, Mandaya, Manguangan, Manobo / Ubo, Manobo Biit, T'boli, Tagakaolo
9 Region XIII	5	11	36	6	205	1.7	14,060	0.6	66,631	0.6	1,004,750		Higaonon, Mandaya, Manobo

IP = indigenous peoples, KC-NCDDP = KALAHI-CIDDS National Community-Driven Development Project.

Sources: National Statistics Office (NSO), 2010, National Commission on Indigenous Peoples (NCIP) data as of 2013, and National Disaster Risk Reduction and Management Council Update Effects of Typhoon "YOLANDA" (YOLANDA) AFFECTED POPULATION As of 29 November 2013, 6:00 AM.

32. Even without the calamity, IPs in the Philippines have been characterized to be marginalized, isolated and mostly found in inaccessible areas where customs, traditions, belief systems and indigenous institutions abound. IPs are among the poorest and most vulnerable, who suffer from lack of education, and higher incidence of diseases. They are usually oppressed by other sectors of society with waves of violations and threats against their culture, identities and ancestral territories. They live in depressed conditions and uncertain circumstances usually deprived of basic necessities and fundamental asset, such as land, and are often underserved in terms of social service delivery.<sup>20</sup>

<sup>19</sup> National Commission on Indigenous Peoples. 2012. *The Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012*. Manila.

<sup>20</sup> NCIP. *Indigenous Peoples Master Plan (IPMAP)*, 2011.

33. Not all IP households own land. Having a CADT also does not assure IP communities of increased income or access to basic services.<sup>21</sup> The DSWD<sup>22</sup> acknowledges that IPs have been marginalized by previous programs because surveys were not extensive and did not reach far-flung areas where most IP communities live.

### C. Impact Assessment

34. Table 4 summarizes the results of a social impact assessment.

**Table 4: KC-NCDDP Impact Assessment in IP Areas**

<b>Project component/ activity / output</b>	<b>Anticipated positive effect</b>	<b>Anticipated negative effect</b>
1. CDD subprojects selected, implemented and completed	IP communities will get the projects that they have been asking for from government	<p>If modalities of consultation and participation in planning and implementation are not IP-sensitive, appropriate to IKSPs and customary laws observant of the provisions of IPRA, the following may occur:</p> <ul style="list-style-type: none"> <li>- Subproject may not be appropriately designed for the IP community.</li> <li>- They may be further marginalized from barangay processes.</li> <li>- Lack or low participation of the community, particularly women.</li> <li>- IR triggers within and even outside of ancestral domains may lead to (i) unjust/inequitable processing of compensation and benefits, and (ii) deny access to resources traditionally utilized by the IP groups.</li> </ul>
	IP communities will have better access to basic services	
	IP communities can better participate in decision-making process of and integrate with larger community	
2. Institutional and organizational capacity strengthened	IPs will acquire project development and management skills	Conventional project development and management practices may run counter to IP traditional practices/ customary laws
	IPs will get technical assistance in developing their area	
	LGUs will be better equipped to serve the needs of IPs	
3. Program management and M&E systems enhanced	Better data to understand the profile, characteristics and needs of IP households and communities	<p>If not treated sensitively, this will further marginalize IPs, as wrong signals/interpretations may be made. Indicators have to be IP sensitive. IPs are more qualitative in worldview than quantitative, hence may require careful transposition of qualitative measures to quantitative modes for entry to database.</p> <p>Further marginalization may also occur with the urgency and speed in project implementation for post disaster.</p>
	Better tracking of program outcomes and impacts for IPs	
	Lessons learned on effective ways of engaging IPs in KC-NCDDP	

KC-NCDDP = KALAHÍ-CIDDS National Community-Driven Development Project.

Source: Asian Development Bank.

<sup>21</sup> 23% of the 609 poorest municipalities are found within CADTs as cited in the Department of Budget Management-Department of the Interior and Local Government-Department of Social Welfare and Development-National Anti-Poverty Commission Joint Memorandum Circular No. 1 series of 2012, dated 8 March 2012.

<sup>22</sup> KC-NCDDP Mission conference, February 2013.

## **IV. SOCIAL IMPACT ASSESSMENT AND IP PLANNING**

### **A. Social Impact Assessment**

35. Social assessment activities and processes will be embedded in the CEAC, and will utilize modalities for stakeholder identification and analysis to craft culturally appropriate and gender-sensitive processes for IP communities at each stage of the project. Methods for data collection will observe culturally appropriate norms.

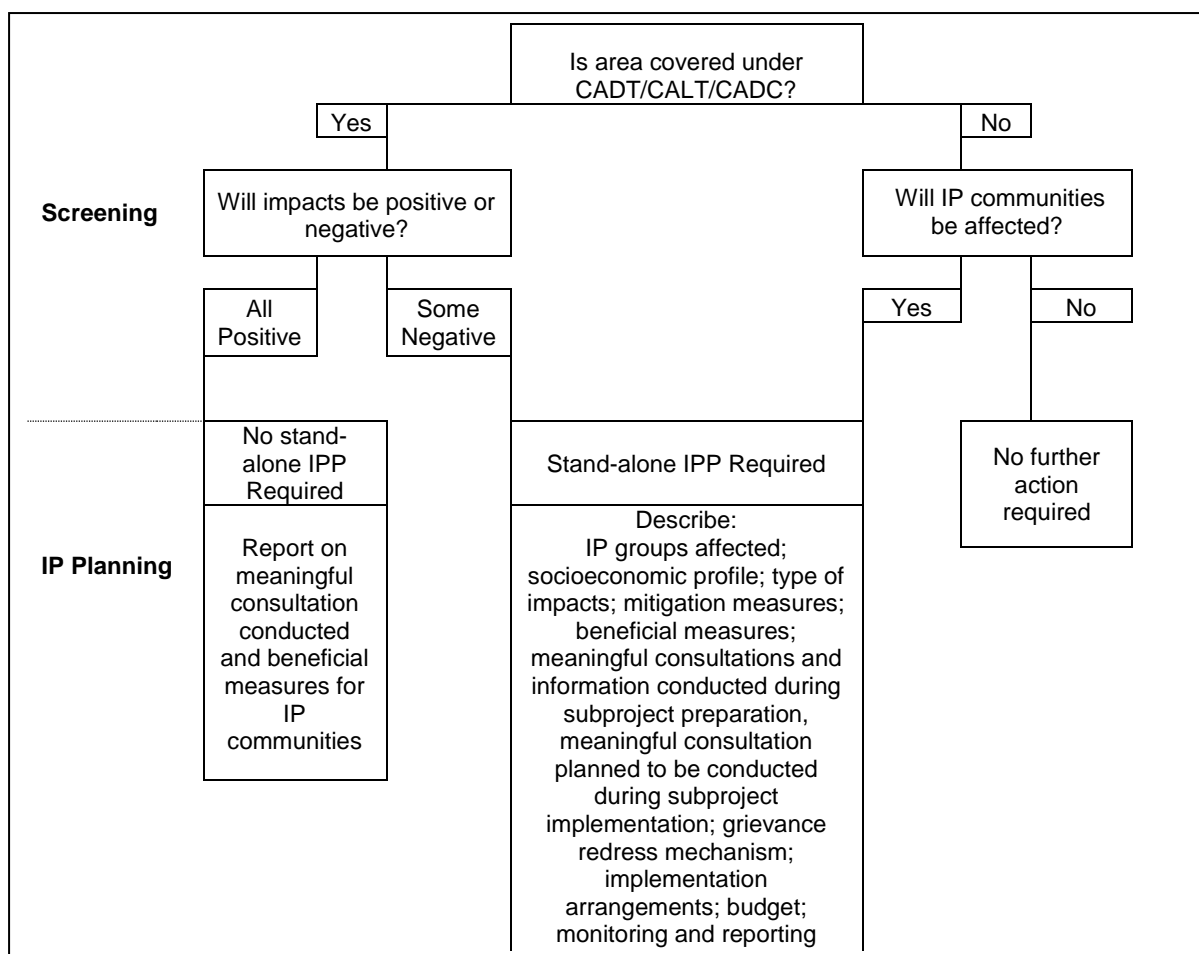
36. The social impact assessment will likewise identify the potential adverse and positive effects of a subproject through consultations with affected IP communities during the CEAC. The assessment will identify and recommend necessary measures to avoid adverse effects. If avoidance is not possible, mitigating activities or alternatives will have to be developed with IP communities through consultation, to ensure that IPs receive culturally appropriate benefits under the project. These mitigative activities will be incorporated in the IPP as discussed below.

### **B. IP Planning and IPP approval**

37. Upon identification of subprojects with impacts on IPs during technical and social due diligence an IPP will be prepared for a set of subprojects either by region/province or municipal/cities; or by type or sector of subprojects depending on the complexities and magnitude of impacts as determined during the impact assessment.

38. For subprojects where IPs are the sole or overwhelming majority of direct project beneficiaries, and when only positive impacts are identified, a stand-alone IPP will not be required. Elements of an IPP (meaningful consultations, information disclosure, and beneficial measures to IP communities) are included in the overall project design document (such as CMP) and a report of these subprojects (including an assessment of the benefits accruing to IP communities) will be submitted as part of the periodic project progress reports submitted to the DSWD. See graph.

39. For subprojects with potential negative impacts or where subprojects are implemented in areas not covered by CADTs or CALTs, the steps for IP Planning are as follows: (i) review of IPs ADSDPP (or Community Management Plan – CMP, in the areas without ADSDPP) in close coordination with IP Mandatory Representatives (IPMRs) who sit in the Local Development Council (LDC) during social investigation; (ii) RPMO prepares the IP Plan after the conduct of social investigation; (iii) Invite Provincial/Regional NCIP staff during the conduct of CEAC activities (such as but not limited to social preparation and project selection, in particular during the Municipal Inter-barangay Forum/MIBF and Barangay Assembly). IP planning will recognize and harness the unique planning processes and IP representation per IP community in coordination with NCIP. RPMO submits all IP Plans together with subproject proposals to DSWD for clearance and submission to ADB. Key elements of the IPP are presented in Appendix 1.



40. Approved IPPs will be disclosed to the affected communities and publicly disclosed on ADB website and other information dissemination mechanism or strategy.

41. The IPPs will be updated if necessary based on detailed subproject design or upon identification of new subprojects in the same area – region/province/municipality/city or subproject sector/type. IPP updates will accommodate adjustments on scope of impacts and/or beneficiaries, mitigating measures to avoid adverse impacts on IPs, as well as measures to enhance culturally appropriate development benefits. Outcomes and entitlements originally provided in the draft IPPs will not be lowered or minimized.

## V. CONSULTATION AND PARTICIPATION

42. To ensure meaningful participation of IPs, Area Coordinating Teams (ACTs) will make use of appropriate mechanisms and structures, and undertake specific activities that will enable IPs to engage in CEAC activities. IP consultation across project stages will be documented.

### A. Social Preparation

43. In undertaking Social Preparation activities, the project will be guided by the DSWD Manual for IP engagement<sup>23</sup> and ACTs will ensure the following:

<sup>23</sup> Austria-Young, J. and D. Nayahangan. (2013) IPs: Insights and Practical Tools for Strengthening Indigenous Peoples' Participation in the KC-NCDDP. A Draft IP-Focused Facilitation Guide for the Implementation of the KC-NCDDP in IP Areas. Philippines.

- (i) Full engagement and coordination with NCIP across all levels, parallel to the project implementation structure in all project stages and reflecting the FPIC process. IP leaders and IP-selected representatives are elected as community volunteers for the participatory situational analysis activities.<sup>24</sup>.
- (ii) Demographic and other data on the situation of IP communities are gathered by the ACT. These data will be used to design activities social facilitation plans for IP groups.
- (iii) Council of Elders headed by the chieftain or leaders and representatives of IP groups, as well as of the NCIP, is present during the conduct of municipal orientations.
- (iv) Attendance forms used in barangay (village) assemblies will reflect the IP composition of the attendees. Additional consultation with IP groups as necessary to obtain feedback.

## **B. Project Identification and Development**

44. In undertaking subproject identification and development activities, ACTs will ensure the following:

- (i) IP leaders or their duly selected representatives are included as members of community volunteer committees in charge of preparing prioritization criteria and preparing subproject proposals.
- (ii) Criteria related to effects on IPs, including projected benefits for and potential risks to IP communities, are used for identifying and selecting community subprojects to be proposed by the Barangay.
- (iii) IP leaders and representatives, as well as the NCIP, are regularly consulted to gather their opinions, insights, and recommendations that will inform the development of subproject proposals and design of subprojects.
- (iv) The process of designing subprojects is undertaken in a form and manner that is sensitive to and reflects IPs cultural identity, and is in line with the provisions of the IPRA. Likewise, consultation assemblies are undertaken specifically with IP groups/communities at each stage of the subproject design and development process, and prior to barangay assemblies where decisions are made on project proposals, including but not limited to (a) site for subprojects within IP areas; (b) use of materials and resources; and (c) inclusion/exclusion of IP households as beneficiaries, and other concerns affecting IPs.
- (v) Baseline data on indigenous groups are included as part of the community profile and needs assessment forms required for subproject proposals.

## **C. Prioritization**

45. In undertaking subproject prioritization activities, ACTs will ensure the following:

- (i) IP leaders and/or their selected representatives determined through customary laws are included as members of the MIBF which will prioritize proposed community projects for funding. In homogenous or predominantly IP barangays, an IP member will be selected to represent the barangay in the MIBF. In areas where an IP community straddles many barangays, but where the individual barangays are composed of mixed IP and non-IP populations, the team will

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<sup>24</sup> NCIP AO 2 Series of 2012.

ensure that an IP leader selected by them represents the IP tribe or community in the MIBF. This will be in addition to the volunteers selected by the barangays during the BA.

- (ii) Leaders and representatives of IP barangays are adequately represented in the crafting of prioritization criteria.
- (iii) Criteria on benefits to IPs are included in the ranking by the MIBF of a subproject to be implemented in an IP area or barangay.

#### **D. Project Implementation**

46. At pre-implementation stage, a Memorandum of Agreement (MOA) will be prepared as part of the CEAC process with due respect to IPRA and the FPIC process, in coordination with the project implementing unit and the NCIP.<sup>25</sup> The MOA will be attached to the IPP. The generic MOA with LGUs will ensure that IP well-being are promoted and protected and IP participation in decision making in relation to access of resources over the ADs during the entire process of KC-NCDDP implementation is respected and recognized.

47. CMP is initiated by communities and complies with FPIC procedures, therefore equivalence with the IPP is noted as CMP is approved by IPs through several meaningful consultations resulting in the issuance of Certificate Precondition (CP).

48. In undertaking subproject implementation activities, ACTs will ensure the following:

- (i) Management committees of community subprojects implemented in IP areas under the project or intended to generate benefits for IPs, include IP community volunteers/leaders selected by the community following customary procedures. In addition, members of IP households will be given priority in benefiting from labor and remuneration for work attendant to the implementation of subprojects in IP areas.
- (ii) IP community volunteers involved in managing all aspects of subproject implementation, from procurement to implementation and construction (for infrastructure subprojects) to managing finances, are provided with training to equip them with skills on bookkeeping, simple accounting, procurement, and resource management during design and implementation stages.

#### **E. Unanticipated Impacts**

49. Indirect, and/or unanticipated impacts on IPs may become apparent during project implementation.<sup>26</sup> Should this occur, the NPMO will ensure that a social impact assessment is conducted resulting in the updating of the IPP or formulation of a new IPP covering all applicable requirements specified in this IPPF. The social impact assessment will be done in accordance with the procedures stipulated under the CEAC.

#### **F. Participation of Women and Vulnerable Sectors**

50. There generally is equality in decision-making among males and females in IP communities. But in traditional and predominantly IP communities, the last word is that of the tribal leader, more often than not, a function attributed to males. Local leadership is still highly

<sup>25</sup> Subproject IPPs take into account the uniqueness of the IP community affected by the specific subproject.

<sup>26</sup> ADB Safeguards Policy Statement 2009: Appendix 3.

male-dominated, but this does not prevent women from taking the necessary initiative to organize and perform localized decision-making.<sup>27</sup>

51. The project Gender Action Plan (GAP) ensures engagement with local women's groups in key project activities. In case of under-representation or where needed, separate meetings with marginalized households, including women, shall be organized to discuss subproject proposals prior to the barangay assembly. Beyond the GAP, the participation of women and the vulnerable/marginalized sectors will be upheld in the CEAC.

## **VI. DISCLOSURE**

52. For IP communities, pertinent information for disclosure are (i) notices of meetings or consultation; (ii) KC-NCDDP concept and implementation arrangements; and (iii) results, minutes or agreements made during meetings and consultations, grievance redress mechanisms, results of assessment studies, IPPs, and M&E results.

53. Disclosure modalities will be in accordance with prevailing customs and traditions and written in English or Pilipino and in the IP language and authorized by community elders/leaders. Information materials will be delivered and posted in conspicuous places or if lengthy, copies provided to community elders/leaders and IP organizations.

54. The following are required to be disclosed (i) draft and final IPP; (ii) new or updated IPP when it is necessary ; and (iii) monitoring reports after endorsement by DSWD and cleared by ADB. These documents will be generated and produced in a timely manner, and posted in both ADB and DSWD Project website, and at any locally accessible place in a form and language understandable to the affected IPs and other stakeholders. The earlier version of IPPF was disclosed in April 2013 and this version will be disclosed on ADB website.

55. The ADB SPS requirements as well as the ADB Public Communications Policy will serve as guide. The documents listed above will be uploaded in the project management information system as well as the ADB website.

## **VII. GRIEVANCE REDRESS MECHANISM**

56. The KC-NCDDP grievance redress system (GRS) will be used as the mechanism for IPs to air complaints or grievances during the implementation of the project. Community facilitators will inform indigenous groups about this system at the start of the project implementation in the municipality. Staff will ensure that meetings and consultations about the system are conducted with IP groups, independently of the regular GRS orientation activities, if needed. IPs will be informed that complaints may also be registered with and by the NCIP and included in the quarterly report to the national steering committee or the regional project management team (RPMT). The DSWD regional offices will ensure that this information will be disseminated by NCIP through its staff to indigenous groups, local NGOs, and the press.

57. In addition, the Project will continue to maintain a grievance register, which will provide information on the number and type of grievance and complains from indigenous groups at the municipal and provincial levels, and on the way these complaints have been addressed. This information will be included in the quarterly project reports to the National Steering Committee.

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<sup>27</sup> ADB. 2010. *Technical Assistance to the Philippines for Preparing the Integrated Natural Resources and Management Project*. Manila. (PPTA 7109).

58. To the extent possible, the resolution of grievances will be through traditional IP grievance resolution processes and systems, following the principle of precedence of customary laws in the IPRA.

## **VIII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

### **A. Institutional Arrangements**

59. The project adopts an institutionalization framework that integrates lessons in the implementation of CDD into the regular planning, budgeting, implementation, and monitoring systems, and structures of the barangay and municipal LGUs. It also takes into account the specialized arrangements for post disaster. In project areas where IPs are found, program staff will ensure that participatory approaches for engaging IPs, as well as the development priorities of IPs, are integrated into the local development planning system. Coordination with NCIP field offices will be done in the preparation of the MOA with IP communities. These include, among others (i) integrating the key features of this safeguards framework and strategy into the LGU governance systems, (ii) establishing and maintaining IP databases, (iii) integrating ADSDPP processes into the LGU local development planning instruments and manuals, and (iv) facilitating the review and development of ADSDPPs.

60. The DSWD is the Executing Agency tasked to directly manage and supervise the implementation of the program with the NPMO providing overall management of the project for the DSWD. The Regional Project Management Office (RPMO) extends management and supervision of the project at the regional level as well as provision of technical assistance. The NCIP sits as a member of the national steering committee and in RPMTs in regions where there are IP communities.

61. The Area Coordinating Teams (ACT) (i) facilitate effective implementation of project development processes along the CEAC; (ii) build and strengthen the capabilities of community members and volunteers, and with LGU stakeholders, to identify, design, select, and implement community subprojects using the CDD strategy; (iii) ensure the transfer of the CDD facilitation technology to the municipal and barangay local government unit; (iv) facilitate the formation and strengthening of community-based structures and grassroots organizations to engage in participatory, transparent, and accountable governance; (v) facilitate the formation of municipal learning networks for the generation and sharing of lessons on CDD; and (vi) ensures that the M&E data generated by the subprojects are correct, complete, and consistent with project standards, and are shared with the LGU.

62. The Local Government Units (LGUs) (cities, municipalities and barangays) are tasked to: (i) Provide overall guidance in local development planning; (ii) Provide counterpart contributions in support of barangay subprojects; (iii) Provide assistance in due diligence and technical plans preparation of subprojects; (iv) Receive capacity building interventions to facilitate project strategies and approaches into LGU planning and implementation processes; (v) Spearhead the legislation of ordinances/orders to provide mechanisms in institutionalizing the principles of participation, transparency, and accountability; (vi) Organize and convene barangay development council and committees, inter-barangay forums and monitor activities; (vii) Access/mobilize funds for prioritized and non-prioritized subprojects of the communities and barangays; (viii) Monitor and evaluate the overall implementation of the project at the municipal level; and (ix) Provide assistance in due diligence and technical plans, and preparation of subprojects.



## B. Capacity Building

63. To prepare program staff in engaging IP communities, the training program will integrate orientation on the (i) IPRA as well as the project's strategy to address IP concerns; (ii) ADSDPP (NCIP Administrative Order No. 1, series of 2004) and the FPIC process (NCIP AO 3 Series of 2012); and (iii) preparation of IPP consistent with the IPPF. Collaboration with NCIP will be established to ensure that trainers are prepared to impart IP-related knowledge and that the training or capacity building processes are IP-friendly.

## C. IPP Implementation

64. IPP implementation is governed by the overall project structure. During IPP implementation, the ACTs shall (i) make use of appropriate IP mechanisms and structures, and (ii) undertake specific activities that will enable indigenous groups to meaningfully engage in CEAC activities as stipulated under Section V-D of this document.

65. To capacitate IP community volunteers on IPP implementation, they will be provided training in procurement, financial management, operation and maintenance (O&M), and monitoring of IPPs and subprojects.

## D. Monitoring and Reporting Arrangements

66. The project will ensure proper monitoring and evaluation of compliance of this IPPF. Project monitoring of IP engagement will generally include the following:

- (i) Compliance Monitoring – This will include establishment and maintenance of an IP database, and monitoring arrangements to (a) track engagement of indigenous groups in the various activities along the CEAC, and (b) determine whether IPPs were carried out as planned, and in accordance with the IPPF. The NPMO will conduct supervision and in-house monitoring of IPP implementation...
- (ii) Community self-assessments of subproject preparation and implementation to provide an avenue for IPs to communicate whether they have been involved in project activities and whether the final subproject addresses their needs.
- (iii) External monitoring by qualified and experienced experts or qualified NGOs to verify monitoring information and provide avenue for identification of cases where indigenous groups have been bypassed or marginalized in the subproject planning and selection process.

67. **External Monitoring Agency (EMA).** External monitoring and evaluation will be commissioned by the NPMO through a qualified individual, a consultancy firm or NGO with qualified and experienced staff. The NPMO will prepare the Terms of Reference (TOR) for the EMA, acceptable to ADB prior to engagement. The EMA will conduct monitoring twice (i) at KC-NCDDP Project mid-term, and (ii) prior to project closure, and forward semi-annual periodic reports to both NPMO and ADB. The NPMO will be responsible for the engagement of an EMA, and will ensure that funds are available for monitoring activities, and that monitoring reports are submitted to ADB.

68. **NCIP engagement in M&E.** Section 44 (h) in Chapter III of the IPRA mandates that the NCIP be involved in monitoring of project implementation in relation to indigenous peoples engagement. To this end, the NCIP sits as a member of the KC-NCDDP National Steering Committee. All RPMOs with KC-NCDDP areas covering IP areas will ensure that the NCIP is

represented at the RPMT. The RPMOs will likewise invite representatives from the NCIP to observe and participate in municipal-level activities in IP areas.

69. **Schedule of Monitoring and Reporting.** The NPMO will establish a schedule for the implementation of this IPPF and IPP taking into account the project implementation schedule. It is expected that one month prior to the start of subproject implementation, internal and external monitoring actors will have determined all IPP activities. Quarterly progress reports will be prepared and submitted to ADB following the KC-NCDDP regular reporting systems and procedures.

## IX. BUDGET AND FINANCING

70. The project (GOP and ADB financing) has allocated funds for planning and implementation of IPP through the CEAC. The budget for preparation of the IPP is part of component 1, under planning and technical assistance grants. Component 2 will also provide appropriate training in the preparation of IPP. Funds for implementing IPP shall be from the LGUs and communities as part of their local counterpart contributions.

71. Specifically, the following key activities will be provided with the necessary budget support at implementation:

- (i) Provision for IP Specialists
- (ii) Social Assessment, CP-FPIC, & IPP
- (iii) Internal and external monitoring
- (iv) Capacity Building:
  - a. DSWD, LGU, NGA & Private Sector on Sensitivity to Indigenous Peoples Culture
  - b. NCIP and IPOs on IP Enabling mechanisms: IPRA, ADSDPP, & FPIC: Rights, Privileges and Obligations, IP Planning, and IPO fund management
  - c. Institutional support to NCIP (IP community facilitation and M&E) at KC-NCDDP implementation
- (v) Piloting for the project in select CADT areas.

72. Detailed budget shall be prepared during the project development planning stage.

73. ADB funds will be downloaded to DSWD on to each RPMO for the exclusive use of the project and only for ADB's share of expenditures. From the RPMO, community planning and investment grants will be forwarded to community bank accounts at Land Bank of the Philippines. Planning and budgeting for IPs will observe and adhere to prevailing cultural practices. NCIP shall oversee the project capacity building for the management of IP community funds and IP funds management monitoring.

## **APPENDIX 1: OUTLINE OF AN INDIGENOUS PEOPLES PLAN**

### **A. Executive Summary of the Indigenous Peoples Plan (IPP)**

1. This section will concisely describe the critical facts, significant findings, and recommended actions.

### **B. Introduction**

2. This section will provide a general description of the project and emergency assistance loan (EAL) approach and justification for flexibility in safeguards procedures

### **C. Objectives of the IPP and Policy Framework**

3. This section will provide rationale for the IPP; describe the objective of the IPP and legal framework, (National policies, SPS, ESMF and policy gaps analysis

### **D. General Guidance**

4. This section discusses screening of subproject, identification of IP communities present in the subproject areas and subproject impact on these communities; IP planning and how to address unanticipated impacts

### **E. Information Disclosure, Consultation and Participation**

5. This section will (i) describe the information disclosure, consultation and participation process that has been carried out with the affected IP communities; (ii) summarize their comments and concerns raised and how these have been addressed in project design; (iii) in the case of project activities requiring broad community support, document the process and outcome of consultations with affected indigenous peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities; (iv) describe consultation and participation mechanisms to be used during implementation; and (v) confirm disclosure of the draft and final IPP to the affected indigenous peoples communities.

### **F. Participation of Women and other Vulnerable Groups**

6. This section will describe the measures that will be put in place to ensure participation and benefits of sub-projects to women and other vulnerable groups.

### **G. Grievance Redress Mechanism**

7. This section will describe the procedures to redress grievances by affected indigenous peoples communities following customary norms as well as the overall KC-NCDDP Grievance Redress System.

### **H. Institutional Mechanism and Implementation Arrangements**

8. This section will describe the institutional arrangements, responsibilities and mechanisms for carrying out the various activities and measures of the IPP including monitoring and evaluation.

**I. Budget and Financing**

9. This section provides an itemized budget for all activities described in the IPP, including the sources of such funds and resources.