

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 2281



Introduced by REP. MARIA LOURDES ACOSTA-ALBA

EXPLANATORY NOTE

The International Union for the Conservation of Nature defines “ICCA” as natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means. They range from very small to large stretches of land and waterscapes.”

They help in conserving critical ecosystems and threatened species, and maintaining essential ecosystem functions. They are also the basis of cultural and economic livelihoods for millions of people.

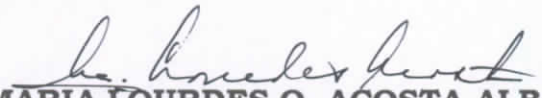
In the Philippines, ICCAs include sacred sites and natural features, indigenous territories, cultural landscapes and seascapes. ICCA sites also represent different biogeographic regions found from the mountain ridges to the coral reefs. They serve as habitats to a high diversity of flora and fauna.

Numerous Philippine ICCAs, however, are distressed because of unsuitable development and educational models, religious intrusions, and external influences to local value systems. Further, ICCAs are threatened by commercial users, land traffickers, and even community members under the increasing. These are all for the valuable resources that these areas have.

The proposed Philippine ICCA Bill will enhance and strengthen the interface between the Indigenous Peoples Rights Act (IPRA) of 1997 and the National Integrated Protected Areas System (NIPAS) Act of 1992. This Bill is also in accordance with the Convention on Biodiversity (CBD) which provides that the State shall foster the recognition and promotion of “other effective area-based conservation measures” aside from national parks and protected areas.

As to its functions, the ICCA Bill will provide for a system of recognition, registration, protection and promotion of covered lands, and penalize acts of desecration of the aforementioned areas.

In view of the foregoing, the passage of this Bill is earnestly sought.


MARIA LOURDES O. ACOSTA-ALBA
1st District, Bukidnon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 2281

Introduced by Rep. Maria Lourdes Acosta-Alba

AN ACT RECOGNIZING, PROTECTING AND STRENGTHENING THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CONSERVED AREAS AND TERRITORIES, ACKNOWLEDGING THEIR CONTRIBUTION TO BIODIVERSITY CONSERVATION AND PROTECTION OF KEY BIODIVERSITY AREAS, ESTABLISHING FOR THE PURPOSE THE NATIONAL ICCA REGISTRY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

GENERAL PROVISIONS

SECTION 1. Short Title - This Act shall be known as the "Indigenous Peoples and Local Communities Conserved Areas and Territories (ICCA) Act of 2016"

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

Consistent with the recognition and promotion of the rights of ICCs/IPs under the 1987 Constitution, the indigenous Peoples Rights Act of 1997 (IPRA), and the Universal Declaration of the Rights of Indigenous Peoples (UNDRIP), the State shall recognize and respect the designation, declaration or establishment of Indigenous Peoples and Local Communities Conserved Areas and Territories (ICCAs) by ICC/IPs in KBAs within their ancestral domains.

As a party to the United Nations Convention on Biological Diversity (CBD), the State shall foster the recognition and promotion of other conservation area governance types aside from protected areas established under Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992" and critical habitats designated under Republic Act No. 9174, otherwise known as the "Wildlife Resources Conservation and Protection Act", among others. It shall also be the policy of the State to recognize, promote and support the initiatives of local communities in establishing and maintenance of ICCAs in KBAs within forestlands.

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

- a. Recognition and promotion of ICC/IP rights to their ancestral domains includes the full recognition of ICCAs as well as the ICC/IP's right to maintain, protect, and regulate access and prohibit unauthorized intrusion thereto,
- b. As part of their responsibilities to their ancestral domain, ICCs/IPs shall have priority in the management of their conservation areas and the preservation, restoration, and maintenance of ecological balance and biodiversity therein, with the full and effective assistance of government agencies;
- c. ICCAs shall be considered in the formulation of: and integrated in, national and subnational policies, plans and programs in recognition and respect of the ICC/IP's right to preserve and develop their cultures, traditions, and institutions within the framework of national unity and development;
- d. The positive contribution to biodiversity conservation of ICCAs and related sustainable traditional indigenous forest resources management systems and practices shall be fully acknowledged and included in the accounting and reporting of the national implementation of CBD obligations; and ICCs/IPs shall have a fair and equitable share in the commercial profits of users of well-defined and confirmed ecosystem services provided by ICCAs, in recognition and respect of the ICC/IP's right to benefit and share in the profits from allocation and utilization of the natural resources found in their ancestral domains.

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

- (a) "Ancestral Domain Sustainable Development and Protection Plan" or "ADSDPP" refers to the document consolidating the plans of the ICC/IP for the sustainable management and development of the land and natural resources as well as human resources within their ancestral domains based on their indigenous knowledge systems and practices and on the principle of self-determination;
- (b) "Biological Diversity" or "Biodiversity" refers to the variety and variability among all living organisms and the ecological complex in which they occur;
- (c) "DENR" refers to the Department of Environment and Natural Resources,
- (d) "Ecosystem services" refer to environmental goods and regulating, supporting, and cultural services provided by ecosystems that are directly enjoyed, consumed or used to further human well-being; or benefits that people derive from an ecosystem;
- (e) "Indigenous Cultural Communities/Indigenous Peoples" refer to a group of people or homogenous societies as defined under Republic Act No. 8371 , otherwise known as "The Indigenous Peoples Rights Act of 1997";

- (f) "Indigenous Peoples and Local Communities Conserved Areas and Territories" or "ICCAs" refers to natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous cultural communities/indigenous peoples and local communities through customary laws or other effective means;
- (g) "Key Biodiversity Areas" or "KBAs" refer to sites of global significance for biodiversity conservation identified using globally standard criteria and thresholds, based on the needs of biodiversity requiring safeguards at the site scale. These criteria are based on the framework of vulnerability and irreplaceability widely used in systematic conservation planning;
- (h) "NCIP" refers to the National Commission on Indigenous Peoples;
- (i) "National ICCA Registry" refers to the database maintained jointly by the NCIP and the DENR containing qualitative, quantitative and spatial data on ICCAs as provided by ICCs/IPs themselves;
- (j) "Protected Areas" refer to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation and included as a component of the National Integrated Protected Area System (NIPAS);
- (k) "Sustainable Traditional Indigenous Forest Resources Management Systems and Practices" or "ST/FRMSP" refer to those systems and practices of ICCs/IPS formally recognized, registered and confirmed jointly by the DENR and the NCIP that were duly verified and found to be the sustainable forest management system and practice in the forest/watershed area within the ancestral domain/land of the concerned ICC/IP;
- (l) "Sustainable Traditional Resource Rights" refer to the rights of ICCs/Ps to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices.

INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CONSERVED AREAS AND TERRITORIES

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

SECTION 6. Protection/Privileges of ICCAs. - ICCAs are hereby declared as no go zone for mining and other destructive forms of natural resource exploration,

development and utilization. These activities shall likewise be not allowed outside the ICCAs if it will adversely impact the ICCA.

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

SECTION 8. ICCAs in Key Biodiversity Areas. - ICCAs within or encompassing KBAs shall be maintained, managed and sustainably developed in a manner consistent with conservation of the biodiversity found therein. As habitats or threatened species of Philippine wildlife, KBAs are environmentally critical areas (ECAs) in the context of the Philippine Environmental Impact Statement System.

KBAs shall be those identified by the Philippine Biodiversity Conservation Priority Setting Program and its iterations as updated by the DENR in consultation with other concerned government agencies, the academe; private sector and civil society.

SECTION 9. Respect for the names and designations made by the ICC/IP. - Place names and designations of ICCAs in the native dialect of the ICCs/IPs shall be accorded respect.

REGISTRATION AND MAINSTREAMING OF ICCAS

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

SECTION 11. Implementing Arrangements and Operational Structures. - The NCIP and the DENR, in consultation and coordination with ICCs/IPs, shall lead in the establishment of the National ICCA Registry and shall be jointly responsible for its management and maintenance: Provided, That all information and data in the National ICCA Registry shall be owned by the ICC/IP providing such information and data as part of their community intellectual property rights.

SECTION 12. Inclusion in the Comprehensive Land Use Plans and Forest Land Use Plans. - ICCAs recorded in the National ICCA Registry shall be included and duly reflected in the Comprehensive Land Use Plan (CLUP) of the concerned local government unit (LGU). National government agencies shall likewise ensure that the 'CCAs are recognized in land use plans covering lands of the public domain.

SECTION 13. Inclusion in the Protected Area Management System. - In cases where ICCAs overlaps with Protected Areas, the ICCAs shall be recognized and included in the management systems of protected area and KBAs. IKSPs and Customary Laws of ICCs/IPs duly documented shall be recognized and respected. ICCA plans and conservation practices shall be harmonized into the Protected Area Management Plan of the protected area.

SECTION 14. Procedure for formal recognition and listing of ICCAs. - Within six (6) months from the effectivity of this Act, the NCIP and the DENR, in consultation with the ICCs/IPs, shall jointly issue the procedural rules and regulations for the recording and listing of ICCAs in the National ICCA Registry. The procedure shall provide guidelines for the documentation and mapping of ICCAs, documentation of Indigenous Knowledge Systems and Practices (IKSP) for biodiversity conservation and management, by the ICCs/IPs themselves or with the assistance of government and non-government entities at the option of the ICC/IP. It shall also provide for the incorporation of ICCA in the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).

ROLE OF GOVERNMENT AGENCIES

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

SECTION 16. Role of the NCIP. - The NCIP shall protect and promote the interest and well-being of the ICCs/IPs in the context of biodiversity conservation and climate change mitigation and adaptation. The NCIP shall convene periodic national and subnational conventions of ICCs/IPs, government agencies, private sector and civil society organizations to review, assess as well as propose policies or plans to further promote ICCAs. It shall also ensure that ICCA concerns and issues are included and addressed in the ADSDPP of the concerned ICC/IP.

SECTION 17. Role of other government agencies. - Where applicable, national government agencies shall integrate and mainstream ICCAs in their policies and programs, provide technical assistance to ICCs/IPs, and support to the National ICCA Registry. Consistent with their respective mandates and upon formal request an ICC/IP, national government agencies shall provide technical assistance in building and strengthening the capacity of the requesting ICC/IP to manage their ICCA.

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

SECTION 18. Role of the Private Sector and Civil Society. - The NCIP and DENR shall actively engage and collaborate with the private sector and civil society in the raising public awareness and recognition of ICCAs and in obtaining specialized assistance and service, subject to the free and prior informed consent requirements of the concerned ICC/IP. Public participation in protection, conservation and sustainable use activities, especially at the local level, shall be encouraged to maximize conservation and community benefits.

INCENTIVES

SECTION 19. Incentive Scheme. - The DENR, in coordination with the NCIP, shall develop sustainable livelihood opportunities for ICCs/IPs particularly those consistent with traditional practices and resource use that contribute to the sustainable development and proper management of the ICCAs. In all cases, the interests and well-being of the ICC/IP concerned shall be paramount.

SECTION 20. Sustainable Livelihoods. - ICCAs listed in the National ICCA Registry shall enjoy priority as biodiversity conservation and reforestation project sites. Where appropriate and available, government financial institutions and other government agencies shall provide financial and technical assistance to ICCs/IPs for the protection and promotion of their listed ICCAs, particularly in the establishment and implementation of payment schemes for ecosystem services provided by the ICCAs.

PENAL PROVISIONS

SECTION 21. Prohibited Acts. - It shall be unlawful for any person to commit the following acts within an ICCA.

- (a) Unauthorized and/or unlawful intrusion upon, or use of any portion of, the ICCA;
- (b) Mineral exploration, extraction and development, quarrying and other destructive forms of natural resource exploration, development and utilization;
- (c) Logging, except in instances of sustainable traditional indigenous forest resource management practices of ICC/IP;
- (d) Mutilating, defacing, removing or otherwise destroying objects that have cultural, spiritual or ecological significance to ICC/IP;
- (e) Dumping of waste products detrimental to flora and fauna.

SECTION 22. Penalties. - Any individual, corporation, partnership, association, or other juridical entity that commits any of the prohibited acts provided for in Section 21 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than SIX THOUSAND PESOS (PhP 6,000.00) or any amount not to exceed FIVE HUNDRED THOUSAND PESOS (PhP 500,000.00) or imprisonment of not less than SIX (6) MONTHS AND ONE (1) DAY or more than SIX (6) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing any of herein prohibited acts. If the ICCA requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration from the damage.

If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association or entity responsible for the violation without prejudice to the cancellation or revocation of these entities license or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence.

The prosecution for offenses set forth in Section 21 of this Act shall be without prejudice to any liability for violation of Republic Act No. 8371, as amended, otherwise known as the "Indigenous Peoples Rights Act of 1997", and other criminal or civil liabilities.

FINAL PROVISIONS

SECTION 23. Annual Report. - On or before March 30 of every year following the effectivity of this Act, the Council shall submit to the President and to both Houses of Congress a progress report on the status of the implementation of this Act and on the implementation of the National ICCA Program. The Council shall recommend legislation, where applicable and necessary.

SECTION 24. Construction. - The provisions of this Act shall be construed liberally in favor of ICCs/IPs and in consideration of the protection and conservation of biodiversity.

SECTION 25. Implementing Rules and Regulations. - The DENR, in coordination with the NCIP and other concerned government agencies and members of the civil society, shall, within six (6) months from the effectivity of this Act, promulgate the necessary rules and regulations for the enforcement of the provisions of this Act.

SECTION 26. Appropriations. - The sum of TWENTY MILLION PESOS (PhP20, 000, 000.00) is hereby appropriated as initial operating fund. Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the annual General Appropriations Act. In succeeding years, in addition to the annual appropriations to be provided for the implementation of this Act, the Fines to be collected as Penalties under Section 21 shall also be added for the implementation of this law.

SECTION 27. Repealing Clause. - All laws, decrees: executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

SECTION 28. Saving Clause. - This Act shall not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, recommendations, international treaties, national laws, awards, customs and agreements.

SECTION 29. Separability Clause. - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to remain in full force and effect.

SECTION 30. Effectivity. - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved