

A Primer on Managing the Ancestral Domain



Managing the Ancestral Domain

What should be the ideal situation?



The Ancestral Domain is communally owned. Hence, all members of the particular Indigenous Cultural Communities must benefit from it.

What is the actual situation?



Only few members benefit from the resources found within the Ancestral Domain.

What should be done?



- ❖ There should be a comprehensive Ancestral Domain Sustainable Development and Protection Plan (ADSDPP);
- ❖ There should be a well-planned and guided Community Royalty Development Plan (CRDP).

Managing the Ancestral Domain

What principles should guide the stakeholders in producing/crafting the ADSDPP and CRDP?



Servant Leadership

Tribal leaders as servant first, that they become leaders because they want to serve, that their desire to serve led them to consciously choose to be leaders.



Transparency & Accountability

Tribal leaders commit to be transparent in all their actions and to be accountable for actions that they take.



Full Humanity Development

Tribal leaders aim to bring to Indigenous Cultural Community the following: Cultural Growth, Political Growth, Economic Growth, Ecological Growth, and Spiritual Growth.



Intergenerational Responsibility

Tribal leaders think of the welfare of yet unborn members of the tribe, the primary reason why they see the need to allot wealth/trust fund for use of the future generations.

Community Royalty Development Plan (CRDP)

What is Community Royalty Development Plan (CRDP)?



Section 61 of the 2012 Revised FPIC Guidelines of the NCIP prescribes that ICCs / IPs receiving royalties must formulate a development plan for the management and use of royalties.



In the formulation of CRDP, the development provisions of the ADSDPP must be considered.



The ICCs / IPs can engage the services of a reputable public or private agency to provide consultancy and / or technical services for the formulation of CRDP.



The CRDP shall be subject to confirmation by the NCIP Commission En Banc after verification and validation by the concerned field office.

USES OF ROYALTY

(Section 62 of the Revised 2012 FPIC Guidelines)



The royalties must be used for programs and projects that will redound to the well-being and benefit of the ICCs/IPs entitled to it.



The prescribed allocations are as follows:

- ❖ Emergency concerns;
- ❖ Investments which may be short, medium or long term;
- ❖ Livelihood and social development projects (allocation must not less than 30% of each and every release);
- ❖ Education and training of members, basic or professional;
- ❖ Capitalization for cooperative development;
- ❖ Credit facility;
- ❖ Salaries or wages of persons engaged to perform professional services;
- ❖ Mutual assistance, and the like.



Royalties must NEVER be used as payment for damages caused by the proponent / company's activities to the person and properties of an individual member, as this is a distinct obligation of the company and not part of royalties.

TRANSPARENCY MECHANISM

(Section 63 of the Revised 2012 FPIC Guidelines)



The IPO shall prepare periodic financial reports, and annual financial statements duly audited, and furnish copies of the same to the NCIP.



Financial reports must be reported to the general membership during the annual assembly that must be convened to tackle financial and other community or IPO concerns.

In absence of specific guidelines, what are other suggested considerations in the formulation of CRDP?



The CRDP must be understood as a plan to manage the royalties within the ancestral domain. This plan is about the best use of royalty and a guide how to use the royalties (allocation).



The CRDP must have a clear development agenda based from the ADSDPP. The royalty development plan should find a specific location in the total resources available for the development goal of the IP community.



The CRDP must have a clear goal, objectives and activities that reflects / justifies the resource allocation.



The royalty management structure must be clear and appropriate. Fair sharing of benefits between the managing council and the community must be checked and decided properly.



The CRDP should basically answer the question: If the IP community receives this amount of royalty, what would be the priority agenda?

Is it education, through a trust fund?

Is it addressing poverty through livelihood support?

Is it addressing the disadvantaged groups in the community? (children, women, senior citizens, etc.)



Accountability mechanisms must be clear. Conflict resolution may include existing laws such as the revised penal code, where all citizens, including IPs have the right to seek redress from proper courts, in order to strengthen the sense of transparency and accountability by the managing group.

MAKING ALL
VOICES COUNT



Front and back cover photo: Dawn at Agusan Marsh
Photo Credit: Foundation for the Development of Agusanons, Inc.