

PHILIPPINE CLIMATE CHANGE ADAPTATION PROJECT 1

INDIGENOUS PEOPLES POLICY FRAMEWORK

IMPORTANT NOTE

The two irrigation projects (Pinacanauan and Jalaur River Irrigation Systems) for climate proofing are among the project areas of the Participatory Irrigation and Development Project (PIDP). Through task team project visits in mid 2008 and discussions with project staff, it was found that the planned civil works for both irrigation systems have no triggers to the Bank's Policy on Indigenous Peoples. In the remote chance that IP Policy is triggered in the implementation of the project, the PIDP IP Policy Framework shall be applied. It gives guidance on acquiring the Free and Prior Informed Consent (FPIC) from the IP communities affected by the project as well as in mitigating adverse impacts on them, and, if any, in compliance to Bank's OP 4.10. It also gives guidance in ensuring that IPs directly benefit from the proposed activities if any IP community is present in the project's impact area.

On the other hand, the two protected areas (Peñabalanca and Siargao) for the piloting of the improved management of protected areas will be covered by the ENRMP IP Policy Framework. ENRMP is a similar ongoing WB assisted project with DENR that includes a component on Integrated Ecosystem Management.

The use of this existing IP Frameworks will not only prevent confusion among the implementers, it is also expected to help institutionalize its application to the management of other protected areas and irrigation projects across the host agencies operating units.

INDIGENOUS PEOPLES PLANNING FRAMEWORK

Philippines: Participatory Irrigation Development Project (PIDP)

1. Background

The PIDP is a project of the Philippine Government with World Bank Assistance that aims to boost rice productivity by optimizing the irrigation potential of the different irrigation systems in selected regions. The Project calls for the immediate improvement, rehabilitation and modernization of the existing irrigation systems in collaboration with farmer's irrigators associations (IAs). The targeted Irrigation systems have been categorized into Core A and Core B schemes. There are 14 Core A schemes projects where major rehabilitation works are expected to happen and 44 Core B schemes where intervention will be minor, mostly in the improvement of its operations and maintenance. The proposed schemes to be rehabilitated are found in the lowland or flat topographies while most of the ancestral domain and IP communities are those found in the upland areas where the watersheds and headwaters of rivers feeding the irrigation systems proposed for rehabilitation which are located in the lowlands.

It has been established that none of the Core A schemes overlap with any ancestral domain. Some irrigation systems have a few scattered IP economic migrants who are now mostly integrated into the lowland communities' way of life. Informal discussions with them indicated that generally many indigenous practices are no longer observed by them. Most have moved to crop production systems, while a few continue to maintain their upland forage areas.

While the probability is very low, in instances where there may be an overlap between the minor civil works location in Core B schemes and ancestral domains, there is a need to ensure that affected indigenous peoples communities are meaningfully involved in project decision making. This Framework therefore, will be used to assess and guide the process of how such affected IP communities can be involved in project decision making. This Framework is in line with the priority given to Indigenous Peoples by the Government of the Philippines (Republic Act 8371-Indigenous Peoples Rights Acts Law), the United Nations Concept of Native Title, and the World Bank's Operational Policy 4.10 (Indigenous Peoples Policy).

2. Objectives

The Indigenous Peoples Planning Framework (IPPF) seeks to ensure that where a community of indigenous peoples are found affected by project interventions, they are informed meaningfully, consulted and mobilized to participate in the project decision making. By doing so, the following specific objectives are expected to be met:

- a. Positive effects are received with more certainty by IP communities by way of culturally appropriate and gender and inter-generationally inclusive methods of engagements;
- b. Potentially adverse effects on their communities are avoided whenever feasible; and
- c. Unavoidable adverse effects are minimized, mitigated or compensated.

3. Definition of Indigenous Peoples

"Indigenous Peoples" will be used to refer to cultural communities, tribal groups living together in particular geographical areas with the presence in varying degrees of the following characteristics:

- Self identification as member of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area;
- Customary cultural, economic, social or political institution that are separate from those of the dominant society; and
- An indigenous language, often different from the official language of the country or region."

4. Social Assessment and Screening for IPs

A Social Assessment Report (SAR) was prepared in November 2006. It gave information on the socio economic conditions of the communities in the 14 Core A irrigation schemes and 5 sample Core B schemes. Among other information, it stated that some indigenous peoples may get affected by the PIDP project interventions. Recognizing that the SAR was made prior to the proposed civil works were firmed up, a social assessment validation was conducted jointly by the NIA-PMO and the World Bank task team in June 2008 by way of a walkthrough of the specific sites where civil works were expected to take place, interviews with key informants among the local NIA officers and randomly sampled potentially affected persons. Particularly for the indigenous peoples, the results of the validation were documented in the Addendum to the Social Assessment Report. The following are the main results of the said validation:

- a. No Core A schemes are within the Ancestral Domains (ADS). Those reported affected ancestral domains in the 2006 SAR turned out to be covered by mainstream land documentations. Specifically, this refers to that of the Apayao-Abulog Irrigation System (AAIS) where the area affected by the rehabilitation of the intake area was earlier reported as an ancestral domain. Two land properties within the intake area in the said system to be rehabilitated thought to be part of an AD, have been found to be individual properties of private landowners. Land documents of both properties are covered by mainstream documentation (Transfer Certificates of Title). The intake (in Flora) has previously been acquired by NIA and is now covered with a Deed of Sale and the other (in Pudtol) is owned by an Isneg who is a willing seller and his property is also covered by a mainstream documentation - a tax declaration certificate.
- b. IP communities and ADS are located in watersheds and head waters where no civil works are proposed.
- c. IPs in the service areas of Batutu, Upper Chico River Irrigation System (UCRIS) and Pinacanauan River Irrigation System (PRIS) are all economic migrants. The civil works are welcomed by most of them since they are mostly IA members and they do

not see any negative effects to their IP cultural way of life which are mostly no longer practiced.

- Only the Pinacanauan River Irrigation System P s was found to be a compact community and they are not affected by civil works. They are also economic migrants to the area, living together in the property bought for them by an American Pastor in the early seventies.
- Involuntary resettlement may be avoided by proper construction supervision of works in UCRIS road rehabilitation and possibly, a change in design. The tribal heads of the Butbut, Tulgao and Sumadels in the area have confirmed that consultations have been done with them and of their willingness to transfer, if necessary.
- The UCRIS tribal conflict reported in the SAR is not irrigation system-related but that of age-old conflicts with each other back when they were still in their respective ancestral domains in the mountains of Kalinga. They have an operational system of conflict resolution called Bodong that in many ways is similar to the Barangay justice system of the mainstream community.

As earlier mentioned, there is a very low probability that there could be possibilities of IP communities that can be positively or negatively affected by the Core B schemes. Hence, this Framework will serve as a guide during project implementation, on how to work with affected IPs in all stages of the Project. Where relevant, specific IP Action Plans deemed shall be formulated to help ensure the meaningful participation of the affected P community.

5. Legal and Institutional Guidelines

The Philippines is recognized for its progressive policy and legal support for Indigenous Peoples rights. It has supported various international agreements and conventions to protect the rights and culture of IPs, among them: Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; and the United Nations Draft Universal Declaration on the Rights of Indigenous Peoples.

The 1987 Constitution, laid the foundation for the recognition of the rights of the IPs to their ancestral domains and their power of dominion over their lands and resources. Among its pertinent provisions are:

- a. Section 17, *Art. XIV*: "customary laws governing property rights or relations shall be applied in determining the ownership and extent of ancestral domains; and
- b. Section 22, *Art. II*, Section 5, *Art. XII*: ". . .the rights of indigenous peoples to natural resources pertaining to their lands shall be specially safeguarded ..." These rights include the right of the IPs to participate in the use, management and conservation of natural resources.
- c. The right to stay in their territory and not be removed there from except when relocation is necessary as an exceptional measure, as in the case of an ecological disaster or armed conflict. IPs have a right to return to their territories once the ground for relocation ceases.

Congress passed Republic Act No. 8371, the Indigenous Peoples Rights Act of 1997. The law states certain requirements in activities and programs affecting Indigenous Peoples. Some relevant provisions include:

- a. Chapter III, Section 7b: *"...IPs have the right to an informed and intelligent participation in the formation and implementation of any project, government or private that will impact on their ancestral domain.. . "*
- b. Chapter IV, Section 16: *"...IPs have the right to participate in decision-making, in all matters which may affect their rights, lives and destinies, through procedures determined by them as well as to maintain and develop their own indigenous political structures.. . "*

Under this law, IPs are vested with the right to self-governance and empowerment. This is operationalized through the mechanism of Free and Prior Informed Consent (FPIC). The NCIP is mandated to ensure that IP rights and concerns are protected and advanced in projects that are proposed affecting their ancestral domains.

Pursuant to Section 80 of the IPRA law, some relevant implementing rules and regulations are used for guidance:

- a. Right to Stay in Territories and Not to be Displaced There from (Rule 3, Part I1 Sec.4 (a,b, c) . The rights of ICCs/IPs to stay in their territories shall remain inviolate. No ICCs/IPs shall be relocated without their free and prior informed consent or through any means other than eminent domain.
- b. All persons or entities allowed under the Act to participate in land development, utilization, exploitation, and extraction of natural resources, and government offices or agencies allowed to undertake or implement infrastructure projects within ancestral lands/domains, shall submit to the NCIP, through the concerned Regional Office, a culture-sensitive Environmental Conservation and Protection Program (E CPP) stating in detail the environmental impact of such activities or projects proposed, control and rehabilitation measures and financial resource allocations therefore, implementation schedules, compliance guarantees and evaluation and monitoring schemes (Rule 3,Part I1 Sec 6 (b).
- c. Rule 4, Part 3, Sec 7 (a, b, c), Development and Cultural Activities Subject to Free and Prior Informed Consent (FPIC). Policies, programs, projects, plans and activities in ancestral domains subject to free and prior informed consent shall include but not be limited to the following
 - Exploration, development, exploitation and utilization of natural resources within ancestral domains/lands;
 - Research in indigenous knowledge, systems and practices related to agriculture, forestry, watershed and resource management systems;
 - Displacement and Relocation

6. Guiding Principles

- a. The PIDP shall ensure that Indigenous Peoples must be consulted and actively engaged in all decision-making processes, especially when project intervention poses potential adverse impacts to them as a community. The Project must, **with absolute certainty**, assure that IPs do not suffer adverse effects during and after

project implementation as well as receive culturally compatible social and economic benefits.

- b. NIA implementing units must ensure at all times that development processes implemented by the Project foster full respect for the Indigenous Peoples' dignity, human rights and cultural uniqueness.
- c. Consensus of all IP members affected must be determined in accordance with their respective laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the project activity, in a language and process understandable to the community. The conduct of field-based investigation and the process of obtaining the Free and Prior Informed Consent (FPIC), if so required, shall take into consideration the primary and customary practices of consensus-building, and shall conform to A.O. #1 Series of 2006 (Revised FIC Guidelines).
- d. PIDP must ensure that none of its project activities will damage non-replicable cultural property. In cases where project activities (i.e. roads, irrigation, etc.) will pass through sites considered as cultural properties of the IPs, PIDP must exert its best effort to relocate or redesign the projects, so that these sites can be preserved and remain intact in situ.
- e. The Indigenous Peoples should be consulted to ensure that their rights will not be violated and that they be compensated for the use of any part of their domain in a manner that is acceptable to the tribe. ***The compensation for affected land and assets will follow the Resettlement Policy Framework*** prepared by the Project.
- f. In the event that a project involves land acquisition or use of other resources which may adversely affect Indigenous Peoples, the implementing unit shall:
 - submit the documentation of the consultations and the corresponding agreements with individually identified potentially displaced persons
 - not allow work to start on the project until compensation and/or other required rituals have been completed to the satisfaction of the indigenous tribes affected (and the same should likewise be documented).

7. Use of Appropriate Communication Media, Strategies and Tactics for IP Mobilization

- a. Presentation meetings must be conducted in the local or native language. In addition, facilitators must use simple and uncomplicated process flows during these interactions with IPs. Local patterns of social organization, religious beliefs and resource use must be reckoned with in the process of preparing any development response affecting the IPs.
- b. Implementing units must adhere to the requirements for documentation of meetings conducted with IP communities, especially those which pertain to the process of Free and Prior Informed Consent. It shall not proceed with the project's civil works unless the corresponding documentation of meetings with the IP communities are attached

to the request for notice of no objection when IP communities and Ancestral domains are found affected by it.

8. Participation in Development, Monitoring and Evaluation of Mitigation Measures

- a. Where projects pose potential adverse impacts on the environment and the socioeconomic-cultural-political lives of these IP communities, IPs must be informed of such impacts and their rights to compensation.
- b. Should IPs grant their approval for projects with adverse impacts, the implementing unit must ensure that affected IP communities are part of the development of action plans so that they may meaningfully participate in the implementation, monitoring and evaluation of mitigation measures agreed upon.
- c. Should potential effect be positive or beneficial to the IPs, specific plans shall be made so that benefits are made culturally responsive.
- d. Project implementers must adhere to the requirements for documentation of meetings conducted with IP communities, especially those related to the FPIC Free and Prior Informed Consent of IPs.
- e. IP dedicated meetings shall be conducted for purposes of monitoring and evaluation of mitigation measures.

9. Coordination, Supervision and Monitoring

- a. Supervision meetings/visits of project activities will be done periodically (frequency to be established during Project implementation) by the PMO through their area representatives, who will involve the local IP representatives in these meetings/visits. Documentation of such visits/meetings must be furnished the nearest service center of the NCIP, or its Provincial or Regional Office.
- b. All complaints shall be discussed and negotiations must be carried out in the specific communities where affected IPs live. The barangay and the tribal council concerned should facilitate this process and NIA must ensure that affected IPs are properly represented. Resolution of conflicts should be encouraged at the lowest possible, thru the facilitation of Municipal and Community Tribal Councils. Such meetings and interactions with affected IP households/communities must be documented and distributed to relevant stakeholders.

10. Grievance

Should the IP community still find the decisions rendered at the regional level unacceptable, they can elevate the issue to the central level office of the National Commission on Indigenous Peoples. The NCIP shall be tasked to coordinate with the NIA PMO to ensure that the issue is resolved to the best interest of the affected IP community.

INDIGENOUS PEOPLES POLICY FRAMEWORK

The National Program Support to Environment and Natural Resources Management

I. The Program

The National Program Support to Environment and Natural Resources (NPS-ENRM) aims to assist the Government of the Republic of the Philippines in implementing sustainable economic growth through an improved environment and natural resources management. This will eventually contribute to poverty alleviation. More specifically, the Program aims to assist the Department of Environment and Natural Resources (DENR), other concerned agencies, and stakeholders in implementing a long-term institutional, policy, regulatory, and investment framework for ENR management. To implement the objectives, several Action Plans and proposed projects will be undertaken in different parts of the country.

II. Framework Objectives

The Framework and Procedural Guidelines seek to ensure that indigenous peoples are informed, meaningfully consulted, and mobilized to participate in the identification, planning, implementation, monitoring, and evaluation of the projects to be supported by the NPS-ENRM. Their participation can provide them with culturally appropriate benefits of more certainty and protect them from or minimize any potential adverse impacts of projects to be financed by the Program.

III. Definitions

The World Bank defines “Indigenous People” as a distinct, vulnerable, social, and cultural group possessing the following characteristics in varying degrees:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- An indigenous language, often different from the official language of the country or region.

Specifically to the Philippines, Republic Act No. 8371, otherwise known as the Indigenous Peoples Rights Act of 1997 (IPRA), defines “Indigenous Peoples” 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 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, become historically differentiated from the majority of Filipinos.
- 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 the establishment of present state boundaries, who retain some or all of their 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.

IV. Legal Framework

The Policy Framework and Procedural Guidelines for Indigenous Peoples proposed for the Program have been prepared within the context of the World Bank's Operational Policy 4.10, which instructs Bank-supported projects to give protection to indigenous peoples with regards to mitigating possible adverse impacts of investments and requires the development of an Indigenous Peoples Action Plan should these projects have potential adverse impacts on indigenous populations.

The Guidelines support the priority given to Indigenous Peoples by the Philippine Government, as embodied in the Philippine Constitution which recognizes the rights of indigenous cultural communities to their ancestral domains and their power of dominion over their lands and resources. Among the pertinent provisions of the Constitution are:

1. The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development. (Section 22, Article II)
2. The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being. (Section 5, Article XII)
3. The State shall apply the principles of agrarian reform or stewardship, whenever applicable with accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands. (Section 6, Article XIII)
4. The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies. (Section 17, Article XIV)

Among the salient points of IPRA related to the rights of indigenous peoples vis-à-vis development projects are:

1. The right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project. (Chapter III, Section 7b)
2. ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. (Chapter IV, Section 16)

Indigenous Peoples in Priority Program Areas

The Indigenous Peoples in the NPS-ENRM priority areas are:

- Dumagats of the Southern Sierra Madre Cluster (composed of the Angat Watershed Reservation, Ipo Watershed Reservation, Doña Remedios Trinidad-General Tinio Watershed Forest Reserve, and the Kanan Watershed);
- Agta of Libmanan-Pulantuna Watershed; and
- Ati in the Bago Watershed.

V. Guiding Principles

The NPS-ENRM shall ensure that poor communities of Indigenous Peoples are given priority in the consultation and decision-making processes, especially when projects pose potential adverse impacts to them as a community. The Program must, with absolute certainty, assure that Indigenous Peoples do not suffer adverse effects during and after project implementation as well as receive culturally compatible social and economic benefits.

The Department of Environment and Natural Resources (DENR) and its partner local government units (LGUs) must ensure at all times that development processes implemented by the Program foster full respect for the dignity, human rights, and cultural uniqueness of Indigenous Peoples.

Consensus of all affected members of Indigenous Peoples must 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 project activity in the local language of the community and through a process that is acceptable to them. Free and Prior Informed Consent (FPIC) must be secured from the host indigenous communities in accordance with the guidelines set forth by the National Commission on Indigenous Peoples (NCIP) through its Administrative Order No. 3, series of 2002.

The NPS-ENRM must ensure that none of its infrastructure or related projects will damage non-replicable cultural property. In case where infrastructure projects will pass through sites considered as cultural properties of the Indigenous Peoples, the NPS-ENRM must exert its best effort to relocate or redesign the projects, so that these sites can be preserved and remain intact in situ.

Project designs must at all times be consistent with the traditional cultural practices of the Indigenous People in the given area.

VI. Operational Strategies

1. Social Assessment of affected IP communities

A social assessment of the affected IP community(ies) is needed to determine the socio economic condition of the IP community and the impacts of the subproject on them. It shall also identify culturally appropriate ways of working with them throughout the project cycle.

2. Technical Assistance for Indigenous Communities

The Indigenous Peoples in the NPS-ENRM sites shall participate in the identification and planning of projects located within their villages or ancestral domains. In barangays where the Indigenous People are not dominant, or where communities fall within the ancestral domains, the Program shall ensure that Technical Assistance is provided to enable the Indigenous Peoples to participate meaningfully in the planning process. This may mean deployment of competent and committed Program partners who can work with indigenous communities and ensure that the prioritized plans and projects of Indigenous Peoples – as reflected in their Ancestral Domain Sustainable Development Protection Plans (ADSDPPs) – are supported by LGUs and integrated into the barangay, municipal, and provincial investment plans.

3. Participation in Peace-building Efforts

The Indigenous Peoples shall be empowered to assert their own development priorities and preserve their cultural identity. Moreover, they shall be given the full capacity to be active agents of peace, reconciliation, and development. Confidence-building is indirectly achieved as the indigenous leaders acquire the necessary negotiation and conflict management skills as they engage in peace-building efforts.

4. Use of Culturally Appropriate Communication Media, Strategies, and Tactics for Social Mobilization

Project-related community meetings must be conducted in the local language or, at the very least, using the regional lingua franca. In addition, facilitators must use simple and uncomplicated process flows during these sessions.

5. Strong Adherence for Documentation and Compliance to Agreements Made

Project implementers must adhere to the requirements for documentation of meetings conducted with indigenous communities, especially those which pertain to the acquisition of Free and Prior Informed Consent. Project implementers shall not proceed with project endorsements or appraisal processes unless the corresponding documentation of meetings with indigenous communities are attached to the project proposals that are submitted for review and/or approval.

6. Participation in Development, Monitoring, and Evaluation of Mitigation Measures

In cases where projects pose potential adverse impacts on the environment and the socio-economic and cultural lives of indigenous communities, the Indigenous Peoples must be informed of such impacts and their rights to just compensation. Compensation for ancestral land and other assets to be acquired will follow the World Bank's Policy Framework on Land Acquisition, Resettlement, and Rehabilitation. Should the indigenous communities grant their approval for such projects, the affected indigenous communities must be part and parcel of the development of mitigation measures. Project implementers must ensure that action plans are drawn to be able to monitor and evaluate the compensation agreements, with the active involvement of the affected indigenous communities. Project implementers should not allow work to commence on any project until compensation and/or the required traditional rituals have been completed to the satisfaction of the affected indigenous communities.

VII. Coordination, Supervision, and Monitoring

To ensure compliance by concerned Program stakeholders to the guidelines set forth in this Indigenous Peoples Development Framework, the following mechanisms will be followed during Program implementation:

1. The DENR Steering Committee for the NPS-ENRM will facilitate the deliberate inclusion of indigenous peoples' representatives to the various levels of Project decision-making units of the NPS-ENRM. The staff that is specifically assigned with the responsibility shall be expected to substantially contribute to the realization of the objectives of the Indigenous Peoples Development Framework. Moreover, the staff should ensure that compliance by all concerned to the general principles and operational strategies contained herein shall be enforced.
2. The project proposal format will include screening for indigenous peoples safeguard issues and for special needs with regards to the appropriate consultation, participation, implementation procedures, monitoring, and evaluation.
3. Representatives of indigenous peoples should be present in all supervision meetings and visits of project activities undertaken by the DENR. Documentation of such activities must be furnished to the nearest NCIP service center. The respective focal person will monitor or help facilitate the required follow-up actions to ensure that the projects benefit the indigenous peoples according to agreements and that compensation or mitigation measures as documented are completed on time.
4. Regular project monitoring will involve representatives from the indigenous communities. The following concerns will be taken into consideration in these monitoring visits:

- a. Verification as to whether the guiding principles for implementing projects with indigenous communities are followed.
- b. Implementation review of projects in indigenous communities to determine whether these are being implemented as originally designed and approved.
- c. Verify if the funds for projects for indigenous communities are provided in a timely manner that the amounts released are sufficient for their purposes, and that such funds are used judiciously.
- d. Documentation of all meetings, assemblies, and other gatherings done during the monitoring period, with copies furnished to the affected indigenous community, the LGU concerned, the NCIP service center, and the DENR.
- e. Assess whether the recommended solutions that were discussed during the monitoring visits have been implemented as was committed.

VIII. Complaints and Grievances

Stakeholders' complaints and/or grievances are inevitable during the course of project implementation. All such complaints and/or grievances must be discussed in the specific indigenous community or locality where the project is being implemented. In cases where the indigenous people are the majority in the area, the traditional leadership of the indigenous community (e.g. council of elders, chieftain, etc.) shall facilitate the community assembly to resolve the problem or provide redress to the complaints. In cases where the indigenous people are a minority within a barangay, the Barangay officials, in coordination with the tribal leaders, will facilitate the conduct of public hearings and negotiations to address these concerns. Where necessary, an outside arbiter, preferably from the NCIP, will be asked to participate in these discussions and/or negotiations. The concerned CENRO will observe and document all of the proceedings. If negotiations are stalled, the complaints will be elevated to the Provincial Office of the NCIP as provided for by IPRA.