

**NCIP MONITORING TOOL:
Memorandum of Agreement and IP Royalties
Large-Scale Metallic Mining Operations**

NCIP Regional Office No. _____	MOA Signatories	Date of Monitoring: _____
	Company Name: _____	Period covered: _____
	Authorized IP leaders/elders: Certificate of Ancestral Domain Title (CADT) No.: Area: NCIP Representative/s:	

Table 1. Formal and Procedural Requirements

Requirements under NCIP Administrative Order No. 3 (2012)	Met	Unmet	Partially	Supporting documents/ Remarks
MOA formulation and development				
Was the MOA prepared by the FPIC Team?				
Was the MOA drafted by the Provincial Office's Legal Officer or Legal Officer from another province as designated by the Regional Director?				
Were the MOA provisions discussed/explained to the IPs?				
Was the MOA written in the commonly understood language?				
MOA signatories				
Has the MOA been signed by the following?				
a. Elders/leaders as recognized in the CADT and/or previously validated NCIP roster				
b. Authorized company officers				
c. NCIP Chairperson				
Review of MOA				
Has the MOA been:				
a. reviewed by the Regional Review Team?				
b. submitted to NCIP Legal Affairs Office / Ancestral Domains Office for review?				
Transparency Mechanism				
Do authorized IP leaders/elders prepare financial reports? When? How often?				

Are the financial statements duly audited?				
Do authorized IP leaders/elders furnish NCIP with a copy of their financial reports?				
Do authorized IP leaders/elders present its financial reports to the general membership during the annual assembly?				
Monitoring and Visitorial Powers				
Does NCIP conduct financial and management audits of authorized IP leaders/elders regarding their management of IP royalties?				
Does NCIP conduct financial audit of company's compliance with its social obligations to the IP/ICC?				

Table 2. MOA Contents

*Note: This applies only to extraction/production stage. (FBI/Modified FPIC Guidelines)

Requirements under NCIP Administrative Order No. 3 (2012)	Is it stipulated in the MOA?		Is it implemented?			
	Yes	No	Yes	No	Partially	Remarks
1. MOA Contents						
a. Detailed benefit-sharing provisions in accordance with rules and regulations (based on the Mining Act: not less than 1% IP royalty)						
b. Priority development projects Please enumerate:						
c. Monitoring of MOA implementation (NCIP, LGUs, CSOs), paid for by the company						
d. Mitigation and resettlement plans for potential risks						
e. Redress mechanisms						
f. Clause on the non-transferability of MOA						
g. Clause for renegotiation of the economic provisions						
h. Provisions in case of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture						
i. List of responsibilities of the company and the affected community Please enumerate:						

j. Inclusive dates/duration of agreement					
k. Other benefits to be derived by the host ICC/IPs indicating the type of benefits, specific target beneficiaries as to sector and number, the period covered, and other pertinent information Please enumerate:					
l. Detailed use of all funds to be received by the host ICC/IP communities Please enumerate:					
m. Transparency mechanism on transfer and disbursement of funds					
n. Detailed measures to protect IP rights and value systems					
o. Detailed measures to conserve/protect any affected portion of the ancestral domain critical for watersheds, mangroves, wildlife sanctuaries, forest cover, and the like					
p. Responsibilities of the applicant as well as the host IP community					
q. MOA monitoring and evaluation system, to include submission of reports and creation of monitoring teams					
r. Remedies and/or penalties for non-compliance or violation of the terms and conditions					
s. Deposit of cash					
t. Provision to render assistance in the event of calamities/disasters in the community					
u. Provision to undertake a new FPIC Process in case of mining activities, after the exploration stage					
v. Provision on the effects of dormant Certification Precondition (CP) and cancelled CP					
w. Membership of proponent in organizations requiring ethical standards in a particular line of activity					
2. Is there any MOA provision that is no longer applicable?					
If yes, please cite:					

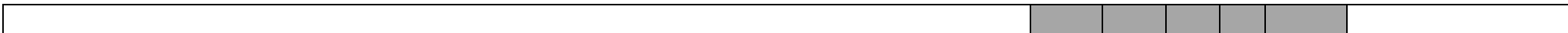


Table 3. Royalty Management

	Met	Unmet	Partially	Remarks
Person Authorized to Manage				
Do authorized IPOs receive and manage IP royalties?				
*When did they start receiving royalties?				
*How much have they received since then?				
Are the authorized IPOs duly organized?				
Are the authorized IPOs duly validated/recognized by the NCIP?				
*Is the authority supported by community resolution?				
*Is the IPO also registered with:				
a. Department of Labor and Employment?				
b. Securities and Exchange Commission?				
IP Royalty Fee Release				
Have IP royalties been released to the account of:				
a. The IPO (of the community) or				
b. Trustee Bank that is responsible for releases to the IPO (authorized IP leaders/elders) account?				
Has IP royalty been released with concurrence of the NCIP Ethnographic Commissioner?				
Has IP royalty been released with concurrence of the Chairperson?				
Community Royalty Development Plan (CRDP)				
Is the CRDP based on ADSPPP/Needs Assessment?				
Was the utilization of IP royalty fund based on the CRDP?				

* Based on comments from the NCIP Forum held on October 6, 2015

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COMMENTS AND RECOMMENDATIONS:

Monitoring Conducted by:

Name / Signature / Designation / Office

Noted by:

NCIP Regional Director/Signature

Authorized Leader or Elder / Signature / IPO Represented