

# PROTECTION ADVISORY

Protection Advisory 3 of 5 February 2013



## Indigenous Communities affected by Typhoon Pablo require special attention

### Findings

An estimated 60% - 80% of the communities in eastern Mindanao affected by Typhoon Pablo are members of indigenous communities. They belong to tribes such as the Dibabawon, Mandaya, Mangguangan, Mansaka, Manobo, and certain Moro communities. Special attention needs to be given to them by agencies providing assistance to communities affected by Typhoon Pablo.

Indigenous communities follow traditions and community structures that need to be respected when communicating or engaging with them. A number of them are living in remote hard-to-reach areas where state services such as education, health care and other opportunities provided by state or other agencies have been limited. Consequently, these communities are also more reluctant to request for support. Many of these communities are even more fragile than others as many of them have been forcibly and frequently displaced in the past due to the ongoing GPH-NPA conflict, development aggression, land grabbing and other factors. Indigenous communities often live on lands recognized as their ancestral domain. Special permission known as Free and Prior Informed Consent (FPIC) of the indigenous community concerned is required before these lands or natural resources can be explored, developed or utilized.



Indigenous communities have noted that adequate humanitarian assistance, including family access cards, following Typhoon Pablo have not reached many who are living in remote areas. They noted that many of them had to travel long distances by foot or by paid transport to receive assistance. Some food and non-food materials initially sent for indigenous peoples were also apparently inappropriate for their needs and culture.

### Recommendations

1. Agencies must ensure that humanitarian assistance also reach remote barangays occupied by indigenous communities in an equitable manner. A map of hard to reach / remote barangays compiled by local NGOs and the National Council on Indigenous People (NCIP) can be found on the protection cluster website: <http://www.protectioncluster.org/philippines/>
2. If there are communities that need additional support, please contact the Department of Social Welfare and Development, which is the focal agency for disaster response (contact details provided below).
3. Practices related to child rearing, shelter, food preference and ways of life must be taken into account when providing assistance. Assistance should be delivered directly to the communities to ensure they are not inconvenienced. For any guidance on the special needs of indigenous communities, please contact the National Commission on the Indigenous Peoples (contact details provided below).
4. Land property and housing issues require special attention, especially in areas recognized as the ancestral domain of indigenous communities. Additional measures must be considered when declaring ancestral lands as high risk or no-build zones, when relocation or resettlement efforts are considered, or where other activities relating to land are considered. Contact the National Commission on Indigenous People or the Commission on Human Rights for any further advice or guidance.

#### **The Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371)**

##### **CHAPTER III Rights to Ancestral Domains**

**SECTION 7. Rights to Ancestral Domains. (d) Right in Case of Displacement.** — In case displacement occurs as a result of natural catastrophes, the State shall endeavor to resettle the displaced Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) in suitable areas where they can have temporary life support systems: Provided, that the displaced ICCs/IPs shall have the right to return to their abandoned lands until such time that the normalcy and safety of such lands shall be determined: Provided, further, that should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced ICCs/IPs shall enjoy security of tenure over lands to which they have been resettled: Provided, furthermore, that basic services and livelihood shall be provided to them to ensure that their needs are adequately addressed.

##### **CHAPTER V Social Justice and Human Rights**

**SECTION 21. Equal Protection and Non-discrimination of ICCs/IPs.** — Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society.

### Contacts

Department of Social Welfare and Development	National Commission on Indigenous People	Commission on Human Rights
DSWD Region XI: Suazo St., cor Magsaysay Ave., Davao City 0909-537-3243, fo11@dswd.gov.ph	NCIP XI (02)575-1200 local 1551, (082)298-0495, (082)298-2957	CHR Region XI Trinity II Bldg, Quimpo Boulevard, Davao City (082) 298-3479, chrdavao@yahoo.com
DSWD Region Caraga: Pili Drive Extension, Butuan City 0919-639-7170, focrg@dswd.org.ph	NCIP Caraga (02)575-1200 local 1651, (085)341-6785, (085)342-4458	CHR Region Caraga CAP Bldg J.C. Aquino cor J. Rosales Ave, Butuan City (085) 815-2247, chr_caraga@yahoo.com

For general protection concerns, kindly contact Raquel E. Nuñez, Focal Point for DSWD, Protection Cluster, 0916 439 9500, ren\_0910W@yahoo.com.