

Notes on Internal Displacement in the Philippines

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The involuntary movement of civilians from their homes and farms continue to blot the human rights landscape in the Philippines. At the start of the year, a significant number of internally displaced persons (IDPs) – estimated at 60,000 people – still remain displaced throughout Mindanao. This figure includes people who were uprooted by the 2000 and 2003 wars and who are reluctant to return to areas where frequent skirmishes threaten their safety, as well as people who are still waiting for the government to help them rebuild homes and livelihoods destroyed during the conflict.¹

While the number of skirmishes in the southern island of Mindanao has declined due to the ceasefire declared by the Moro Islamic Liberation Front (MILF) and the government three years ago, military operations against the communist New People's Army (NPA) and the Abu Sayyaf Group have continue to poise a threat to human security.

It appears likely that internal displacement will persist despite the optimism expressed by the government panel negotiating with the MILF that guns will be silenced in Mindanao soon. This is indicated by the public pronouncement of National Security Adviser Norberto Gonzales that it is futile to pursue peace negotiation with the NPA because the rebels continue to bear arms (Inquirer, 6/9/06).

The government and the National Democratic Front (NDF) have agreed to observe the humanitarian rules of combat and signed an accord to this effect more than a decade ago. However, the rebel group has rejected calls for a ceasefire, and the military went after the guerillas who operates in civilian communities. Not long after, the government accused the NPA of targeting non-military facilities, such as commercial communication towers, in its tactical offensives. With the government accusing the NPA of terrorism, the rebels declined to attend peace negotiations. With the suspension of the peace talks the accord on the IHL seemed to be relegated on the sidelines. Meanwhile, a comprehensive piece of legislation is yet to be passed by government to formally secure civilians caught in the midst of armed conflict.

Balay has noted of the following displacement events from February to May this year:

- Some 3,000 families fled to escape clashes between government troops and communist rebels in Sta. Ignacia, Tarlac, The alleged military operation was

¹ In 2005, more than 160,000 people have reportedly been displaced in the country due to clashes between the military and different rebel groups and the government's anti-terrorism campaigns. The estimate is taken from various sources compiled by the Geneva-based International Displacement Monitoring Center (IDMC).

attributed to Col. Ricardo Garcia – chief of Army 702 Infantry Brigade and Lt. Col. Gregory Cayetano – Commander 71st Infantry Battalion (Inquirer, 2/3/06)

- Around 198 families or 1,188 persons from Barangay Hagbay in San Jose de Buan town and also from Barangays San Andres, Buri, Sto. Nino in the town of Matingo where compelled to evacuate at the height of military actions against the NPA in those areas. The troops were reportedly from the Army's 34th Infantry Battalion led by Col. Glorvida Dida based in San Jorge town. (Inquirer, 3/22/06)
- An estimated 50 armed men attacked Brgy. Tugal Midsayap in North Cotabato which forced around 100 civilians, mostly women and children, to flee. The attack came three days after armed men killed the barangay chair, Tubog Pulalong, allegedly a former MILF field (Inquirer, 4/20/06)
- The government's campaign to crush the Abu Sayyaf Group in Sulu has reportedly prevented more than 4,000 from returning home in 4 villages in Patikul town, namely: Brgys. Kabuntakan, Kandabal, Maligoy, Darayan since 2000. The presence of marine soldiers reportedly has brought fear to displaced villagers (Inquirer, 5 / 2/06)
- Hundreds of indigenous Agta families are being uprooted from their mountainous abode in the Sierra Madre. According to Nap Bundichom president of the Agta association known as *Adhikain ng mga grupong Taong Katutubo na Nagtatanggol sa Lupang Ninuno*, the military has been suspecting them of offering their settlements as sanctuaries to rebels especially during military operations (Inquirer, 5 /8/06).

The internally displaced persons (IDPs) are usually poor and uneducated peasants as well as indigenous people fleeing their homes for fear of being caught in the crossfire or after being ordered to leave by the military due to counter-insurgency operations. From 2000 to 2005, the vast majority of the displaced are Muslims in Central Mindanao, a reflection of the overall ethnic composition of the areas affected by fighting.²

By the second half of 2005, the military response to the rise in tactical offensives of the NPA had uprooted an estimated at 15,000 individuals in various parts of the country, which indicate a nationwide trend as shown in the following details:³.

² The vast majority of the IDPs are located in the Autonomous Region for Muslim Mindanao (ARMM). During the fighting in February 2003 that displaced more than 400,000 people, the areas most affected by fighting and displacement were the provinces of Maguindanao, North Cotabato, Sultan Kudarat, Lanao Del Sur and Lanao del Norte in central and western Mindanao. During 2005, most of the episodic displacements took place in the same provinces sometimes affecting the same communities as in 2000 and 2003.

³ The figures were taken by Balay from reports of the Philippine Daily Inquirer from July to November 2005..

- In Surigao del Sur province in north-eastern Mindanao an estimated 4,000 people fled military operations conducted against NPA rebels last May (DSWD, 2005)
- 300 families from the village of Mabini, Maglilinab in Basey, Samar sought temporary shelter in the town's gymnasium until the military operations of the 46th Infantry Brigade under Lt. Col. Manuel Ramos against the NPA subsided. (Inquirer, 7/23/05)
- In San Luis, Aurora Province 1,400 families evacuated due to military operations against the NPA. Reports said their communities were bombed, their food supplies were blocked, and their movements restricted by members of the 48th Infantry Battalion under Lt. Col. Joselito Kakilala. Some residents of Brgy. Dimanayut and Dicapinisan moved to the town of Dingalan for safety, but others were reportedly not allowed to go by the soldiers (Inquirer, 10/8/05).
- Some 800 families from the villages of San Mateo, Antonino, Mangahan and Bungoy in the town of Dolores, Quezon fled their homes in November for fear of being caught in the crossfire between communist guerillas and government soldiers. They sought temporary shelter in the church and town hall Philippine (Inquirer, 11/24/05).
- More than 5,000 evacuees from the towns of Dolores, Candelaria, and Tiaong in Quezon province left their homes in November as the military went after a large number of NPA fighters who reportedly sabotaged a telecommunication tower earlier. (Inquirer, 11/25 /05)

While these figures may appear lower compared to the 400,000 civilians displaced in the height of the military action against the MILF in 2003, they are indicative that the toll of armed conflict on the rights of civilians remain a big challenge for human rights advocates, peace promoters, development and humanitarian agencies in and out of government alike.

Most displacements within the year have been short-term with people returning after a few days or weeks. The same trend has been observable last year with the exception of the displacement in Sulu where a military attack on an MNLF stronghold lasted for three months, hitting hard the towns of Panamao and Indanan.⁴

Population at risks

Displaced women and children were among those most directly and adversely affected by the violence and displacement. Conditions in evacuation centers in Sulu were generally

⁴ Global IDP Project, 15 September 2005, Main conflict-induced displacement incidents in the Philippines during 2005

described as inadequate, with insufficient food, poor medical facilities and sanitation, resulting in health risks for the most vulnerable (Mindanews, 2/19/05)

Prolonged stays in the evacuation centers tend to expose displaced children – reported to constitute 60 to 70 per cent of the IDP population – to ailments such as flu, skin disease, coughing, measles, diarrhea and typhoid fever (NDU, 2004). (At the end of August 2005, three children staying in evacuation centers in Guindulongan, Maguindanao province, reportedly died as a result of diarrhea (Mindanews, 9/2/05)

Psychosocial trauma also hound children exposed to fighting. Young kids in Dolores and Tiaong in Quezon where soldiers and NPA guerillas had a running battle last year have shown signs of distress and tend to cry a lot every time they hear loud noises. Many of them were unable to return to school due to fear of renewed hostilities⁵.

During displacement, roles of family members tend to be altered. Faced with limited authority and great dependency, men tend to show signs of depression and frustration which sometimes result in domestic violence⁶.

Promoting a framework for national responsibility

The United Nations has repeatedly affirmed that protection against arbitrary displacement is a fundamental human rights. The UN Guiding Principles on Internal Displacement (UNGPID) which sets the standard for humanitarian protection has reminded parties in conflict, particularly governments, that protection of civilians against arbitrary displacement exists in times of war. As a general rule, parties in conflict are prohibited from forcing civilians to move. If displacement is justified and must really occur, the affected communities must be adequately informed of the reasons for their displacement, and that all options to avoid their forcible exodus are to be explored.

It is well recognized and often emphasized that because internally displaced persons remain within their country, they should, in accordance with established principles of international law, enjoy the protection and assistance of their own governments. Indeed, governments regularly insist that they have the primary responsibility for ensuring the security and welfare of their internally displaced populations. That responsibility for protecting and assisting the internally displaced first and foremost with their national authorities is a core concept reflected in the United Nations Guiding Principles on Internal Displacement (UNGPID) which sets forth the rights of IDPs and the obligations of governments towards them, and also is a central tenet guiding international and regional approaches to internal displacement.

But what, concretely, does national responsibility towards IDPs mean? How can it be measured? Promoted? Reinforced? Supported?

⁵ Based on reports of QUARRDS, a farmer's organization whose members are among those displaced by the armed conflict in Quezon in November 2005.

⁶ World Bank (2005), Addressing Gender in Conflict and Post-Conflict Situations in the Philippines

These are questions that are critical to address if national responsibility for IDPs is to be realized. Measurable indicators or benchmarks are needed to provide guidance to government in discharging this responsibility and as a basis for assessing whether it is being exercised. To this end, Brookings Institution-Bern Project on Internal Displacement which provides policy recommendations to the office of the UN Representative on Internally Displaced Persons has come out with a Framework for National Responsibility which sets forth benchmarks for addressing international displacement.

1. Prevent displacement and minimize its adverse effects - Preventive strategies, including cultivating an environment of respect for human rights and International humanitarian law as well as developing early warning and rapid response mechanism to protect populations under threat, are critical for governments to undertake.
2. Raise national awareness of the problem – When internal displacement does occur, a government’s acknowledgement, including public pronouncement, of the existence of the problem on its territory and on its responsibility to address it is an essential step towards an effective national response. It also requires building a national consensus around the issue, promoting national solidarity with the displaced, and making efforts to address the crisis a national priority.
3. Data collection – Credible information on the number, location, and conditions of the internally displaced persons is essential in designing effective policies and programs to address their needs and protect their rights. Data should be disaggregated by age, gender, ethnicity, physical conditions and other key indicators so that the needs of a particular group of IDPs can be adequately addressed. Information gathering must be geared to protecting and assisting them data collection should not put additional strain on the IDPs; neither should it be done in a manner that is not culturally-sensitive and tends to compromise their security.
4. Trainings on the rights IDPs. – Government officials must be made aware of the rights of the displaced. This is essential in for ensuring that they know their responsibilities for protecting and assisting the internally displaced.
5. Create a national legal framework – In countries all over the world, the adoption of legislation on internal displacement has proved valuable in defining IDPs, setting forth their rights, and establishing the obligations of governments towards them. Another approach is to review and analyze existing national legislations in terms of its compatibility with the Guiding Principles on Internal Displacement and to revise legal and administrative regulations accordingly.
6. Develop a national policy on internal displacement. – This action is a distinct, though complementary, measure to the enactment of national legislation. Its measures, among others, includes identifying and delineating national and local institutional responsibilities of different government departments, as well as

identify a mechanism for coordination among them. The policies will be most effective when developed in full consultation with IDP communities.

7. Designate an institutional focal point for IDPs. – A national focal point on internal displacement can facilitate coordination within government and with local and international partners, including NGOs. An existing government agency may be tasked to perform this function, or a separate body or committee may also be formed to regularly bring together officials from the relevant departments to jointly discuss IDP issues and needs. The focal agency can coordinate and facilitate various actions, and develop strategies for ensuring an effective responses.
8. Encourage national human rights institutions to integrate IDPs concerns into their work – It is well recognized that national human rights institutions make an important contribution to national efforts promoting and protecting human rights. They enjoy official recognition by government and also command significant respect within national official bodies. Among the steps that national institutions could take are:
 - Monitor IDP conditions to ensure that their rights are respected and protected in all phases of displacement.
 - Conduct inquiries, document violations of human rights, assist IDPs in seeking redress of grievances, and work to ensure an effective response by the authorities.
 - Follow-up on early warnings and ensure effective measures to protect populations against arbitrary displacement.
 - Advise the government on the rights of IDPs towards the shaping of a sound national policy and legislation to effectively address situations of internal displacement.
 - Undertake educational activities and training programs for state authorities, including the armed forces; and hold public information drives on the rights of the IDPs.
9. Ensure the participation of IDPs in decision making – Internally displaced persons have the right to request, and to receive, protection and humanitarian assistance from their governments. An environment must exist where IDPs can make their views known without risk of punishment or harm. Consultation with them is critical to the effectiveness of efforts to promote their protection and assistance.
10. Support durable solutions.- Governments have the duty to establish conditions and provide the means to allow IDPs to return voluntarily, in safety and dignity, to their places of habitual residence or, if they choose, resettle in another part of the country. In cases of conflict-induced displacement, this typically will require an end to the conflict or a fundamental change in the circumstances that originally caused the displacement. Landmines will also need to be cleared. Protection

mechanism should be put in place in areas of return or resettlement through measures that ensure respect for human rights.

11. Allocate adequate resources to address the problem – National responsibility requires that governments devote, to the extent possible, resources to address the needs and protect the rights of their internally displaced populations. Some countries have made efforts to do so by specifically designating funds in the national budget for IDP programs. Where a government lacks sufficient capacity to address the needs of the internally displaced, it can and indeed should turn to the international community for assistance.
12. Cooperate with the international community - When national capacity is insufficient to provide for the security and well-being of their displaced populations, they should, as an exercise of responsible sovereignty, invite or accept international assistance and work together with international as well as regional organizations in addressing the protection and assistance needs of the displaced and identifying durable solutions to the plight of the IDPs.