



Republic of the Philippines 

Cycle of conflict and neglect

Mindanao's displacement and protection crisis

Summary and recommendations

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Internal Displacement Monitoring Centre, Norwegian Refugee Council
Chemin de Balexert, 7–9
CH-1219 Châtelaine (Genève), Switzerland
Phone : +41 22 799 0700
www.internal-displacement.org

Cover photo: A family fleeing on a motorcycle taxi from military sweeping operations in the municipality of Datu Piang, Maguindanao (IDMC, May 2009).

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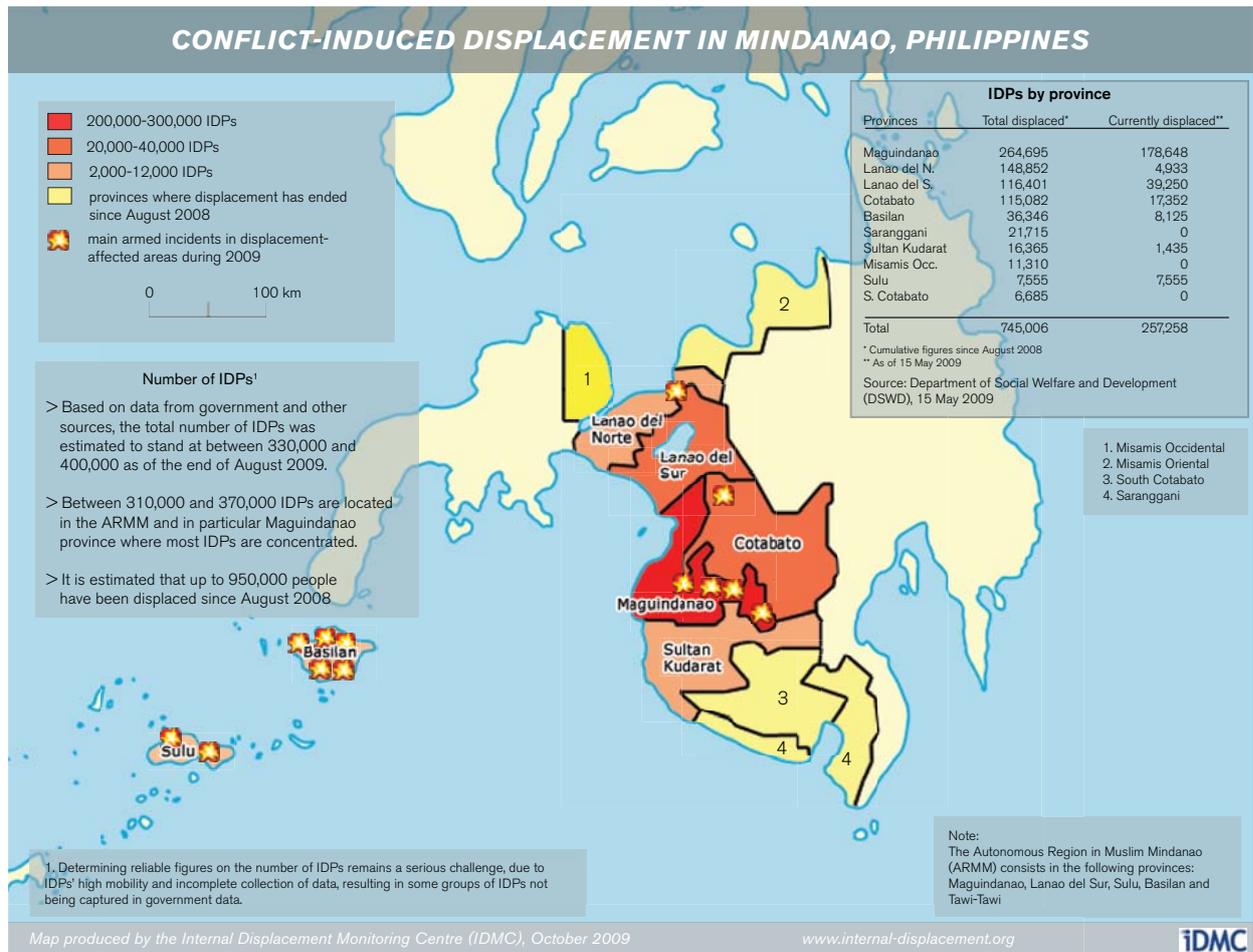
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Map of internal displacement in Mindanao



Executive summary

In August 2008, the suspension of an agreement on the issue of an autonomous Muslim (Moro) homeland between the government of the Philippines and the rebels of the Moro Islamic Liberation Front (MILF) led to the collapse of the peace talks and triggered renewed fighting throughout the southern island region of Mindanao. Over a year later, between 330,000 and 400,000 people remain displaced, roughly one third of the estimated 950,000 people who were forced from their homes by the fighting. Most internally displaced people (IDPs) are concentrated in Mindanao's majority-Muslim provinces, in particular Maguindanao, where displacement significantly increased as a result of new military operations launched at the end of April 2009.

The July 2009 ceasefire and the commitment of both sides to resume peace talks provide some hope for the return of IDPs to their homes, their integration in areas of displacement or their resettlement elsewhere. However, military and police operations against renegade MILF commanders held responsible by the government for the August 2008 escalation, and relatively poor prospects of a final political settlement in the coming months, have limited the scope for optimism in a region that has witnessed repeated conflict and displacement in the past decades.

In the overcrowded evacuation centres where the majority of Mindanao's IDPs have been living, many of them for the past 12 months, the major protection concerns are about the inadequacy of water and sanitation provisions and shelters, the lack of food and the absence of livelihood opportunities. The assets and resources of IDPs and host communities alike were largely depleted prior to the new wave of displacement during 2008 and 2009, and their already very difficult situation has further worsened.

Most humanitarian indicators show that the conditions for the people displaced have further deteriorated as fighting and military restrictions have reduced humanitarian access and the delivery of aid. In majority-Muslim areas, IDPs not only risk being caught in crossfire but are also exposed to abuses by the army which openly considers Muslim IDPs as the "enemy reserve force".

The government's response was quick and substantial in the immediate aftermath of the August 2008 fighting. However, as the emergency dragged on and resources dried up, efforts deployed by the government failed to match the extent of needs and the response appeared lacking consistency and a long-term strategy. Seeking to

avoid "internationalising" the conflict at all cost, the government has systematically downplayed the severity of the displacement crisis and of the extent of humanitarian and protection needs. Its return and rehabilitation plan, launched in early 2009, allowed for some limited return in provinces where fighting had subsided, such as Lanao del Norte or Cotabato. In Maguindanao however the plan has largely failed to meet its objective of returning all IDPs to their homes within a few weeks, as most IDPs have been unwilling to return in the face of increasing insecurity. The closing down of evacuation centres by the government there resulted in a large number of IDPs being displaced again, often to locations out of reach of assistance. Despite the ending of hostilities in July 2009 most IDPs have remained too afraid to return as they have little confidence in a ceasefire they know is all but fragile. Many IDPs have also nothing to return to, as they have lost their homes and livelihoods or have started integrating into the host communities where many have now lived for more than a year.

Since August 2009 national, regional and local efforts have been underway to develop an early recovery plan to support the return and rehabilitation needs of the displaced. It is hoped that the greater involvement of the international humanitarian community in the development of the plan, mainly through UNDP as the lead of the recently-activated early recovery cluster, will help guarantee that it meets international standards related to return, resettlement and reintegration.

The assistance which the international community has provided to IDPs has complemented and often replaced the government's response. There have however also been a number of important shortcomings in the humanitarian response; it has at times appeared to lack leadership, coordination and an overall coherent strategy. The absence of a permanent Resident Coordinator (RC) for a year has hampered effective coordination of the overall humanitarian response by reducing leadership capacity and weakening accountability of the cluster leads at the field level.

Application of the cluster coordination approach has failed to ensure a timely and effective response in particular in the protection sector, where the UN has not managed to agree on the designation of a protection-mandated lead agency. An independent protection cluster was established only recently in August 2009, and there is not yet a comprehensive long-term protection

strategy. The majority of the international agencies in the Philippines are development-oriented and have shown little eagerness to engage the government on sensitive human rights issues.

In the period leading up to the July 2009 ceasefire, international agencies faced significant challenges, as increasing insecurity reduced their access to IDPs, and the government sought greater control over the management of aid distribution to avoid assistance falling in the hands of MILF rebels. In the past couple of months, however, significant improvements in security, and commitments from both the government and the MILF to resume peace talks, have resulted in improved access to the affected population and also raised hopes of a return of the displaced to their homes or their pursuit of other durable solutions.

However, both sides are yet to demonstrate their genuine commitment to a negotiated political settlement, the essential pre-condition for ending the cycle of conflict and displacement in Mindanao. While the international community may now be invited to play a greater role in the peace and return process, it should also take this opportunity to encourage the government to do more to ensure the effective exercise of national responsibility and the protection of the rights of the internally displaced. The government should cease to use sovereignty as a shield against interference but rather as a basis of responsibility to assist and protect all citizens.

Recommendations

To the Government of the Republic of the Philippines

- Resume peace talks to negotiate a political settlement which creates conditions to and allow displaced people to find durable solutions.
- Put an immediate end to all violations of human rights perpetrated by the AFP and paramilitary groups, including but not limited to extra-judicial killings, enforced disappearances, illegal detention and destruction of houses and property.
- Provide all internally displaced people, including those living in makeshift shelters and unrecognised camps, with safe access to food and clean water, basic shelter and housing, and medical services and sanitation.
- Grant organisations engaged in the provision of assistance rapid and unimpeded access to the internally displaced.
- Implement the United Nations' Guiding Principles on Internal Displacement as a framework for providing protection and assistance to IDPs, including through the enactment of national legislation.
- Ensure a clear distinction between armed combatants and civilians including in particular IDPs. Direct all military officers to cease making public statements linking internally displaced people to the MILF.
- In the framework of the current return and early recovery plan, establish a mechanism to ensure that IDPs are consulted on the choices they would like to make, and involved in the planning and implementation of these choices.
- Encourage and support authorities of the ARMM region to create a regional commission on human rights to ensure that human rights violations abuses in the ARMM are systematically monitored and reported.
- Invite the UN Secretary General's Representative on the human rights of IDPs to visit the Philippines and extend all necessary support to the Representative in the course of such a mission.

To the Moro Islamic Liberation Front

- Respect the ceasefire agreement and resume peace talks so that IDPs can return to their homes.
- Publicly commit to respect international humanitarian law (IHL) and human rights standards, and take measures to ensure that violations and abuses against civilians with the suspected involvement of MILF members

are investigated jointly with the government, and that those found responsible are brought to justice.

- Facilitate unimpeded access to the IDPs of organisations providing humanitarian assistance.

To the UN Resident Coordinator / Humanitarian Coordinator (RC/HC)

- Support exercises to profile IDP populations in targeted areas, so that reliable data on their number, age and sex and on their geographic distribution can enable more effective assistance, and validate figures collected by the government.
- Ensure that gaps in the response to the needs of people displaced by conflict in Mindanao are identified and filled, including where appropriate by means of advocating with the government.
- Support the designation of a mandated protection agency to lead the protection cluster in the Philippines, according to the principles of the humanitarian reform programme.

To the UN Office for the Coordination of Humanitarian Affairs (OCHA)

- Establish more effective mechanisms to improve coordination and information exchange between the government and the humanitarian community so as to address problems of duplication and gaps in humanitarian assistance. Provide ongoing coordination to ensure that the IASC and government cluster systems work together to improve the overall humanitarian response.
- Support the RC/HC in addressing with the government sensitive issues such as the protection of civilians, and the access and security of humanitarian agency staff.
- Raise awareness of the Mindanao conflict and support shared fundraising efforts to improve the capacity of humanitarian agencies to respond to the needs of internally displaced people.

To cluster lead agencies

Protection cluster (RC/HC):

- Ensure that appropriate mechanisms are in place in Mindanao to monitor the protection needs of IDPs and ensure that action is taken on findings.

- Conduct a general protection assessment including psycho-social needs of IDPs in all settings to identify outstanding problems.
- Provide capacity building on protection issues to representatives of the national authorities at all levels, as well as members of INGOs and NGOs working in Mindanao.
- Stop categorising IDPs and other affected groups as “mobile and vulnerable populations”, as forced displacement entails specific protection challenges and implies particular responsibilities for national authorities and international organisations; if necessary use the term “displaced and other vulnerable populations” instead.

To the child protection sub-cluster (UNICEF):

- In close cooperation with the government and internally displaced communities, provide displaced children and adolescents with semi-structured educational activities in a safe and child-friendly space.
- In close cooperation with the government, support efforts to provide protection and assistance to those who have been separated from their families, and support family tracing and reunification efforts.

Water, sanitation and hygiene (WASH) cluster (UNICEF):

- Increase the number of water points and latrines in evacuation centres, relocation sites and host communities to improve access to drinking water and proper sanitation. In view of the fact that many IDPs do not intend to return, consider semi-permanent facilities instead of temporary ones.
- Conduct hygiene promotion activities to increase awareness of hygiene issues among IDPs.

Early recovery cluster (UNDP):

- Support the development of policies to ensure that IDPs are able to make a free and informed decision on whether to return home, stay where they are or settle elsewhere in the country, and to discourage the use of coercion to induce or prevent return, local settlement or resettlement elsewhere. When possible, support go-and-see visits for IDP representatives in areas of return or resettlement.

Food and nutrition clusters (WFP / UNICEF):

- Provide food assistance to all IDPs, including in evacuation and host families, as long as their access to food remains inadequate, their assets remain depleted and alternative livelihoods do not generate sufficient income.
- Provide emergency nutrition programmes for displaced children under two years as they have been found to suffer disproportionately from acute malnutrition.

To donor governments

- Support the government and its international partners to ensure that the humanitarian and assistance needs of the people displaced by conflict in the Philippines are adequately met.
- Support ongoing efforts conducted under the auspices of the World Bank as administrator of the Mindanao Trust Fund (MTF) to increase the capacity and confidence of local agencies, including conflict-affected communities themselves, to manage their own assistance and development projects and help IDPs find durable solutions to end their displacement.
- In particular, support efforts to build and expand the capacity of the Bangsamoro Development Agency (BDA), the implementing body created according to the implementing guidelines of the 2001 peace agreement, and identified by the MILF to determine, lead, and manage rehabilitation and development projects in the areas affected by the conflict.

To international and national NGOs in Mindanao

- Ensure that protection is integrated in all humanitarian response initiatives and that protection issues are monitored, documented and reported on.
- Actively engage the government and other stakeholders on protection issues through common advocacy initiatives.

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