



Republic of the Philippines 

Cycle of conflict and neglect

Mindanao's displacement and protection crisis

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

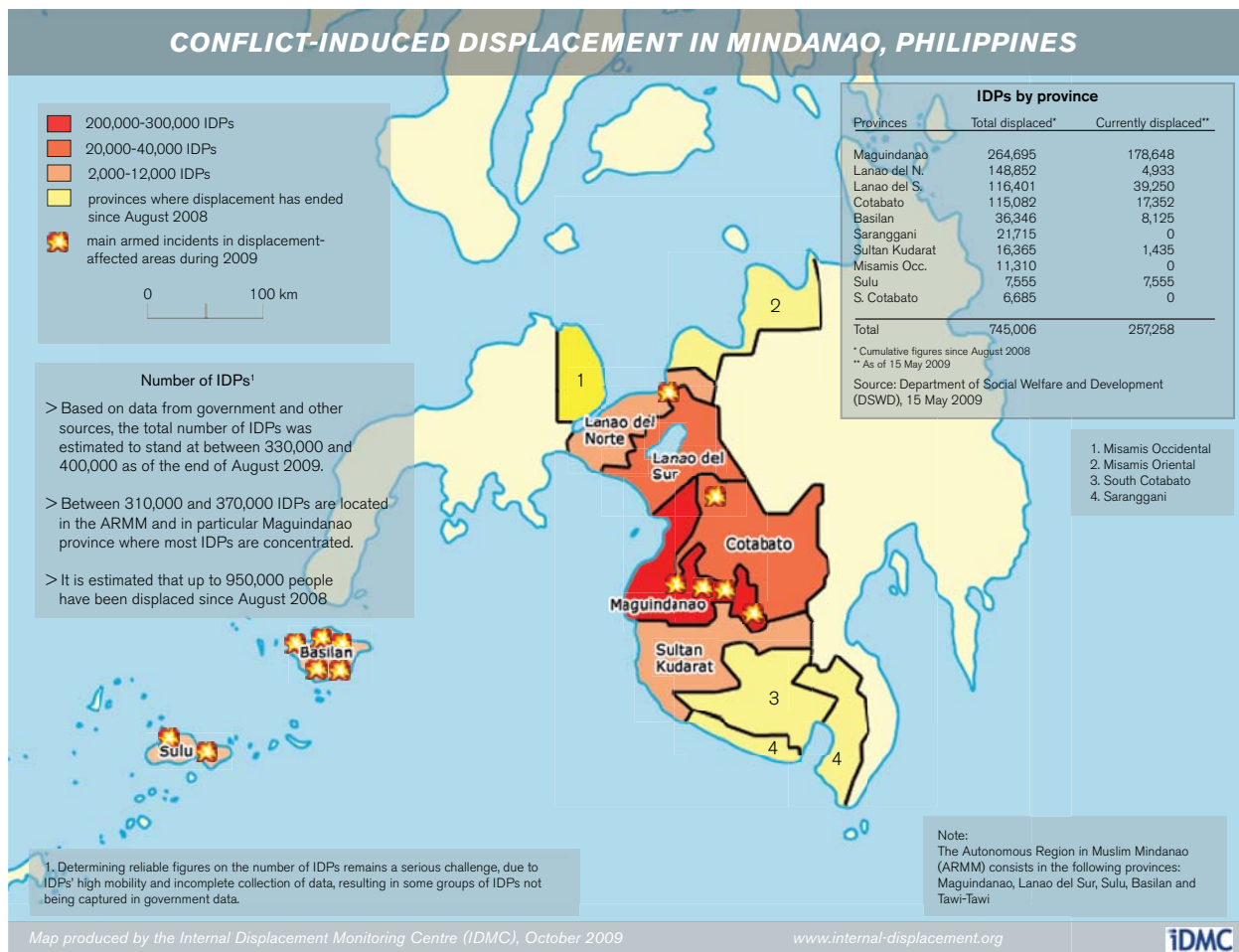
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October 2009

Map of internal displacement in Mindanao



"Some of them [people in Mindanao] need a little counselling, most do not. A lot of them are used to it. It's not the first time that this has happened (...) They already know if there's an exchange of gun fire, they should leave their homes, then if the shooting ends, then they go back to their homes, that's a way of life in Mindanao..."

Secretary of the Department of Social Welfare and Development (DSWD), lead government agency in charge of IDP protection and assistance, 16 August 2008

"Look at us. If you have been here in 2000 and 2003, we are living in the same situation. Nothing really changed except for our age. What is sad is our children might be having the same lives in the future (...) The lives of the Moro people are under the line of poverty. Now, multiply that 10 times and you see the lives of the Moro evacuees."

An internally displaced person from Aleosan, Cotabato province, 31 August 2008

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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 Muslim-majority 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.

Background: a history of conflict and under-development

Conflict in Mindanao in the southern Philippines is rooted in under-development, the particularly inequitable distribution of wealth, and the political, economical and cultural marginalisation of Muslim (or Moro) and indigenous peoples in what is an overwhelmingly Roman Catholic country. The Moro and indigenous peoples share a widespread belief that they have been deprived of their land and resources by a government more inclined to defend its economic interests and those of its clients than to protect their rights.

Between 1903 and 1990, the Muslim population in Mindanao declined from 77 per cent to 19 per cent, as colonial and post-colonial governments encouraged an influx of mostly Christian settlers¹. As a consequence of the settlement, many Muslims and indigenous people were forcibly displaced from their fertile land in coastal and low-lying locations, to inland and highland areas.

The island group of Mindanao encompasses six administrative regions and 25 provinces, including four which are not on mainland Mindanao. It is the poorest region in the Philippines, with the worst development indicators. It is also the most insecure, and conflict and violence have regularly plagued the islands. Insecurity in Mindanao is fuelled by two main factors: the presence of a large number of armed groups and the easy access to small arms and ammunition.

An armed separatist group was formed during the 1970s, the Moro National Liberation Front (MNLF). In 1976, the government and the MNLF signed the Tripoli Agreement, which established some degree of autonomy in 13 provinces and nine cities in the southern Philippines, but its implementation only stumbled forward. In 1990 the majority-Muslim Autonomous Region in Muslim Mindanao (ARMM) was formally established after four provinces decided in a referendum to join the new region; two more provinces followed 11 years later.

In 1984, the Moro Islamic Liberation Front (MILF) broke away from the MNLF and launched its own armed struggle aimed at creating a separate Islamic state in the southern Philippines. In 1996 the government and MNLF signed a new peace accord, allowing the implementation of the Tripoli Agreement, and the MILF signed a ceasefire agreement in 1997. The ceasefires were, however, repeatedly violated in the following years.

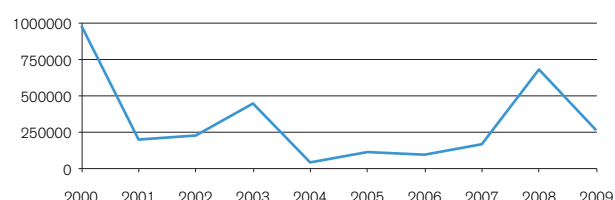
In addition to the MILF and the MNLF, armed groups in Mindanao include the Abu Sayyaf Group (ASG), which is

notorious for its kidnapping activities and mostly active in Western Mindanao, and the communist rebels of the New People's Army (NPA), the oldest insurgency group in Asia. Other sources of violence include clan wars (or rido), and political and economic rivalries.

Continuing conflict and displacement since 2000

Conflict and human rights violations continued into the new millennium, in particular fighting between government forces and MILF rebels in the majority-Muslim areas of Mindanao. In 2000, nearly a million people fled President Estrada's "all out war" against the MILF. This was followed three years later by another major military offensive against the Moro rebels which resulted in the displacement of more than 400,000 people. In all, an estimated two million people were displaced by conflict and associated human rights violations in the Philippines between 2000 and 2007 (see Table 1).

Table 1 Conflict-induced displacement in Mindanao, 2000-2009



Sources: DSWD & other available sources, September 2009

Since 2001, the AFP, supported by the United States, has also carried out several large-scale operations against the ASG in Sulu and Basilan Provinces, which have resulted in the displacement of hundreds of thousands of people.

Hundreds of thousands of people are also displaced each year in the country, including in Mindanao, by natural disasters such as tropical cyclones and floods, as well as by development projects which have tended to disproportionately affect politically marginalised or disadvantaged groups such as ethnic minorities². Regardless of the causes, the consequences for these uprooted populations are often characterised by impoverishment and social and cultural marginalisation.

As of early October 2009, roughly five million people were affected by Tropical Storm Ketsana and Typhoon Parma.

Estimates of the number of people displaced stood at 1.6 million, and the government welcomed the mobilisation of international support.

In Mindanao, these events and large-scale population displacements which have followed them have severely disrupted economic, social and political activities as well as the delivery of social services such as education and health care. Of the six regions in Mindanao, ARMM has tended to be most affected by conflict and displacement, and has remained particularly under-developed. All five provinces in ARMM are in the bottom ten of the national human development index (HDI) ranking³. Life expectancy, school enrolment, literacy and income rates there are among the lowest in the country. Maguindanao Province in ARMM, the MILF's stronghold and long the scene of armed confrontations, has suffered greater loss of life and property as well as a greater level of displacement than any other area of Mindanao.

New conflict and displacement in 2008

Maguindanao Province and Lanao del Sur in ARMM, Cotabato and Sultan Kudarat in Central Mindanao, and Lanao del Norte Province in neighbouring North Mindanao, were severely affected by a new cycle of conflict and displacement which began in August 2008.

In July 2008, the government and the MILF, by now the largest Muslim rebel group with an armed wing numbering between 11,000 and 12,000 combatants⁴, announced a breakthrough in negotiations with a memorandum of agreement (MoA) on the issue of an autonomous Moro homeland known as the "Bangsamoro Judicial Entity" reflecting the Moro peoples' "ancestral domain". Under the agreement, more than 700 villages in Mindanao would vote in 2009 on whether to become part of ARMM. However, the MoA, which would have represented a major step towards the finalisation of the long peace process, attracted strong public criticism, and it was suspended and later declared unconstitutional by the Supreme Court. In August 2008, MILF combatants responded by launching attacks on Christian communities in Cotabato Province and later in Lanao del Norte Province. Ensuing fighting with the Armed Forces of the Philippines (AFP) led to the displacement in the following weeks of hundreds of thousands of people in several provinces of Mindanao. By the end of the year it was estimated that more than 600,000 people had been displaced; at least half of them have since been unable to return.

Low-intensity conflict continued in the first months of 2009, causing further displacement on a smaller scale. Peace talks remained stalled with neither side conced-

ing ground towards a compromise. In April, the government dropped demands for the surrender of three MILF commanders held responsible for the 2008 attacks as a precondition for the resumption of talks, but also intensified military operations in Maguindanao Province to find them. The escalation in the conflict led to new large-scale displacements which only ended with a ceasefire agreement in July 2009.

In September 2009 the two sides announced a breakthrough in the discussions by agreeing an international contact group (ICG) to facilitate the resumption of formal peace talks to be hosted by Malaysia. The ICG would include representatives of the European Union (EU) and the Organisation of the Islamic Conference (OIC), and would also be open to "eminent persons" and international NGOs invited to support the peace process through the provision of advice, mediation research input and advocacy⁵.

Despite the creation of the ICG, the two sides are yet to agree on how to move forward on the issue of ancestral domain and mechanisms for the protection of non-combatants in armed conflict, including internally displaced people (IDPs)⁶. The timeframe for the current government appears short: with the 2010 elections now approaching fast, much remains to be done to gather sufficient support for a political settlement which many, including the AFP and President Arroyo's own constituents in Mindanao, are likely to strongly oppose.

Displacement figures as of 2009

Determining reliable figures on the number of IDPs remains a huge challenge, both because the Mindanao displacement is characterised by tremendous fluidity with frequent population movements, and because of the incomplete collection of information, with some groups of IDPs not captured in government data.⁷

In May 2009, the government recognised that more than 750,000 people had been displaced during the previous nine months⁸. An additional 150,000 and 200,000 people are believed to have subsequently been displaced between May and July 2009, which would put the total number of people displaced since August 2008 at up to 950,000.

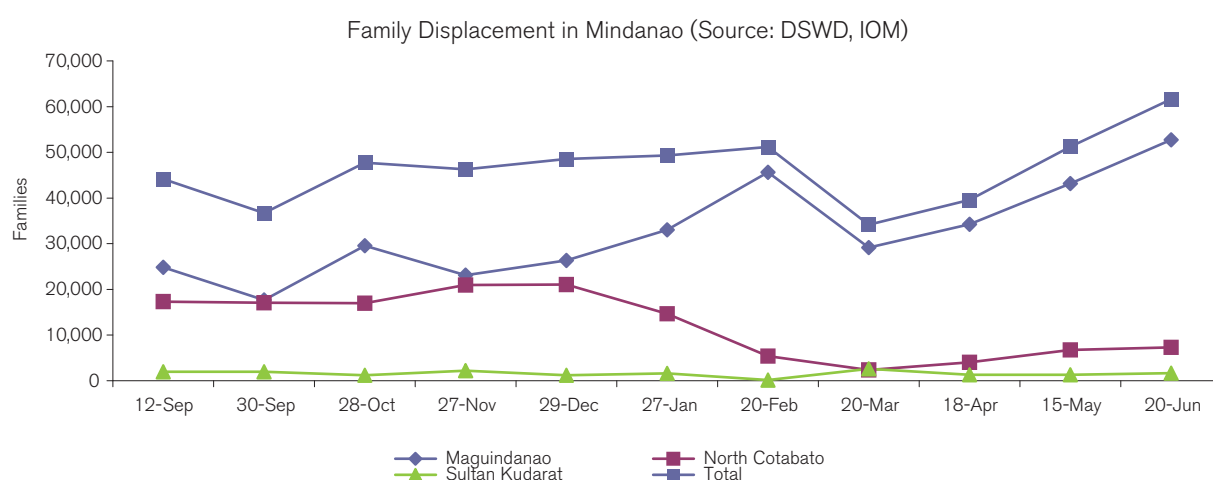
As of the end of August 2009, based on data from the government's National Disaster Coordinating Council (NDCC), an estimated 66,000 families⁹, or between 330,000 and 400,000 people¹⁰, remained displaced in Mindanao. The overwhelming majority of the displaced were located in ARMM, where 62,000 families were estimated displaced, most of them in Maguindanao Province. A further 3,800 families were reported to be still displaced in Cotabato and Sultan Kudarat Provinces and 260 families in Lanao del Norte Province.

These figures only included those registered for government assistance, either in recognised IDP sites known as "evacuation centres" or with host families. Various groups of IDPs were excluded, including those living in informal

camps which the government had not recognised, an estimated 30,000 people who had been instructed by the government to move out of the camps in early 2009, but who had become displaced again elsewhere as they believed it too dangerous to return home. While some of these people had been resettled in "relocation sites", often near the evacuation centres, many had dispersed across the region beyond the reach of any assistance and protection¹¹. Since April 2009, the International Organisation for Migration (IOM) has worked together with the government to set up a Humanitarian Response and Monitoring System (HRMS). One of the main purposes of the database is to better track down mobile IDPs and other affected population and to assess their needs¹². To ensure that the needs of IDPs as well as other affected populations such as host communities are included in the database, IOM is using the term Mobile and Vulnerable Population (MVP) instead of IDPs.

Meanwhile, tens of thousands of people have also been displaced by conflict between the AFP and the NPA, which remains active throughout the country, and by military operations against criminal groups such as the ASG in the island Provinces of Sulu and Basilan in Western Mindanao. Fighting there displaced at least 44,000 people from August 2008 to May 2009¹³, and has intensified in recent months, resulting in an increase in IDP numbers¹⁴. Since January 2009, more than 10,000 people have been reported displaced by military operations against the NPA, in seven separate incidents¹⁵.

Table 2 Families displaced in Mindanao, September 2008 – June 2009



Source: IOM, Mindanao Newsletter Issue No. 4, June 2009

In addition to those displaced since August 2008, hundreds of thousands of people in Mindanao who were displaced during earlier phases of the conflict between the AFP and the MILF have been unable to find durable solutions, even though most were able to return to their areas of origin. Most returnees in Moro areas have faced the accumulated effects of conflict and displacement, which have continued to block the region's economic development and further impoverish them. To escape poverty some have moved to urban areas of the region such as Cotabato City, where tens of thousands of displaced households have sought refuge since 2000¹⁶. At the end of 2005, a joint needs assessment led by the World Bank estimated the number of IDPs in Mindanao at 930,000¹⁷, most of whom had returned but not found durable solutions.

Outstanding humanitarian needs

Decades of conflict and neglect in Mindanao, but in particular in ARMM where most IDPs are located, have created conditions in which the basic economic, social and human rights of the majority of people remain unfulfilled. Nearly half of the population in conflict-affected areas in ARMM are food insecure, and levels of malnutrition are significantly higher than in other regions of the country. Access to clean water and sanitation facilities, and to social services such as education and health care, is generally very limited and particularly so in remote areas¹⁸. The most vulnerable 10-20 per cent of households are headed by single parents including widows¹⁹.

In this context, the ongoing displacement situation, of a scale and duration not seen in nearly ten years, has further compounded the plight of people displaced and left them significantly worse off than the rest of the population. They have lost their livelihoods and the use of their homes, and prolonged stays in overcrowded evacuation centres or with host families have left them facing extreme hardship and almost entirely dependent on external assistance to meet their most basic needs.

Over 60 per cent²⁰ of the people included in the government's IDP count were at the end of August 2009

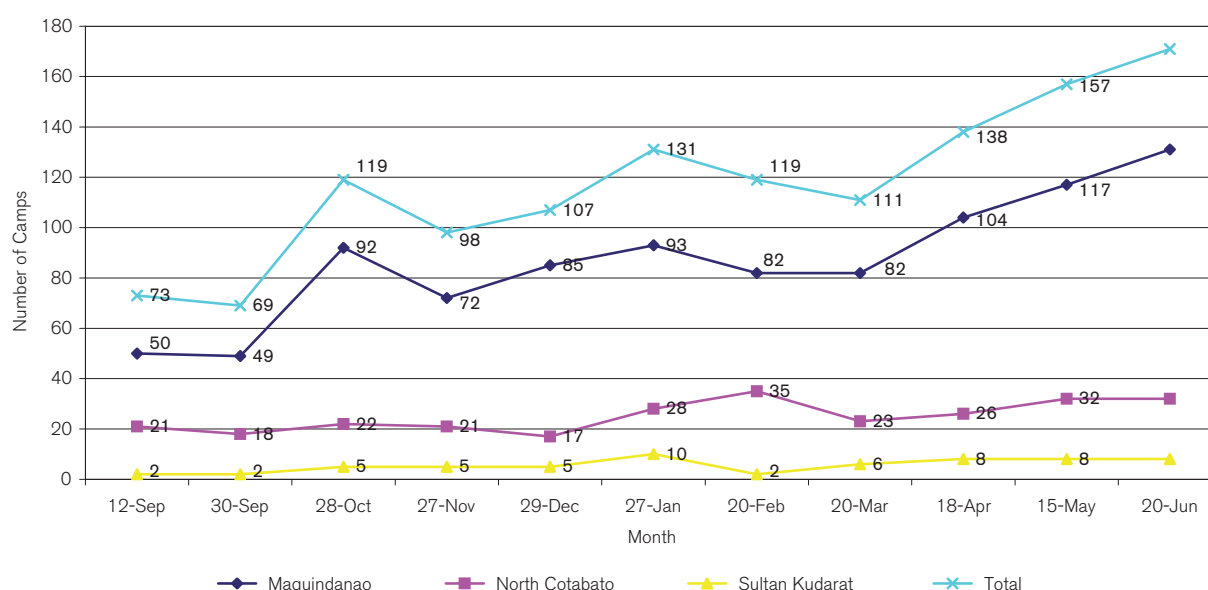
living in "evacuation centres" set up in public buildings such as schools, churches or mosques, or in makeshift shelters or tents on public or private patches of land. As of the end of June 2009, a total of 171 evacuation centres were officially recognised, most of them in Maguindanao Province (see Table 3). Some IDPs were moved in early 2009 into "relocation sites" where conditions are often no better. The remainder of the displaced are "house-based", in other words living with friends or relatives.

Many of those who have not been counted by the government live in temporary makeshift settlements along roads and on unoccupied land. These "unrecognised" IDPs have often faced the greatest difficulties as they have not been registered to receive assistance, have no access to clean water and sanitation or health facilities, and tend to live in the poorest housing conditions.

Widespread food insecurity limits IDPs' capacity to cope

Most IDPs were farmers who depended on crop production and trade to meet their food needs and those of their families. They mainly produced crops includ-

Table 3 Number of recognised "evacuation centres", September 2008 – June 2009



Source: IOM, Mindanao Newsletter No. 4, June 2009

ing rice, corn, cassava and banana, typically to sell rather than for family consumption. Between 30 and 40 per cent owned livestock such as water buffaloes to plough rice paddies or pull wagons, and chicken or goats whose meat or milk provided additional income²¹. Other sources of livelihood include fishing, in particular in the area of the Liguasan Marsh, a freshwater wetland lying across the provinces of Maguindanao, Sultan Kudarat and Cotabato and the site of many armed encounters between the AFP and MILF rebels since August 2008.

It is estimated that in times of “peace” one in four households in Mindanao is severely food insecure. A 2007 World Food Programme (WFP) report showed that most farmers in Mindanao did not own the land they were working on, and had to return up to 90 per cent of their harvest to the landowner or to those who financed their work. What was left was usually sold, and farmers spent up to 70 per cent of their income on food. The report estimated that they bought 20 per cent of their food on credit, increasing household debt levels²².

Food production is often limited due to poor agricultural practices, lack of fertilizers and also recurrent floods. In July 2008, a month before the conflict resumed, Typhoon Frank hit the country, destroying some 300,000 homes and displacing tens of thousands of people. It had had a particularly devastating impact in Mindanao, including on many people who were subsequently forced to seek shelter from the conflict in evacuation centres and host communities. There the majority quickly became dependent on food aid provided by the government and international agencies such as the World Food Programme (WFP)²³.

Displacement caused by the conflict from August 2008 led to a disruption of the production cycle for farmers, and also took away the sources of employment and income for other vulnerable groups, and so made external assistance essential for their survival too. Even more vulnerable than tenant farmers were those who had no land to cultivate, who had to rely on daily labour or other less reliable sources of income such as local crafts, firewood collection or petty trade.

According to a joint emergency nutrition and food security assessment conducted in Central Mindanao in early 2009, more than 80 per cent of IDPs were food insecure five months after having been displaced, mainly because they had been cut off from their land, but also because of their extreme poverty, with most households deep in debt²⁴. While 62 per cent of the displaced had previously relied on crop production, this percentage fell to 16 per cent after displacement. Only very few IDPs managed to keep any livestock.



Displaced women in Makir Evacuation Centre, Datu Odin Sinsuat, Maguindanao, waiting for coupons that will enable them to claim food at the next distribution round (Photo: IDMC May 2009).

IDPs have had to purchase the main part of their food requirements, although almost all (at least of those recognised by the government) have received food distributed by the government's Department of Social Welfare and Development (DSWD), and agencies including WFP, the International Committee of the Red Cross (ICRC) and Action Contre la Faim (ACF). Each household normally receives around 40 kilogrammes of rice per month, regardless of its size. For an average family of six this would be sufficient for 17 to 18 days. House-based IDPs registered with the government only receive 25 kilogrammes. As a result of their displacement, an overwhelming 80 per cent of IDPs are now forced to purchase their food on credit. Two-thirds of IDPs have also reported having to spend more, for which they have had to borrow even more frequently. Given the existing debt levels of IDP households, this is seen as unsustainable, and the joint assessment recommended a doubling of the size of the food rations²⁵.

Food insecurity was also compounded by the irregularity of food supplies. Since April 2009, the growing insecurity and military restrictions in Maguindanao Province have caused repeated delays in the delivery of assistance, causing hunger levels to increase. To make matters worse for IDPs, in June 2009, the government stated that it would encourage aid agencies to reduce their food rations in order to reduce the risk of it being resold or falling into the hands of rebel combatants of the MILF²⁶.

In addition to borrowing food and money, mostly from relatives and friends, IDPs have also resorted to two other coping strategies: 87 per cent reported eating less preferred food and 75 per cent reported limiting the sizes of their meals. This has reduced the diversity of their diet, increasing the risk of malnutrition. IDPs have also reportedly used aid food to pay back their creditors so they can continue borrowing to purchase other essential items, including food items that are not included in the food distributed to them, with most probably losing out through these exchanges.

High levels of malnutrition among IDP children

The joint assessment showed high rates of malnutrition among IDP children under five. Assessments conducted in previous years had already shown that displaced and non-displaced children alike in Mindanao were more vulnerable to malnutrition than those in other regions, but the 2009 assessment also indicated that malnutrition was significantly more frequent among displaced children in Maguindanao, Lanao del Sur and Lanao del Norte provinces²⁷.

The prevalence of global acute malnutrition (GAM) among young displaced children was found to be ten per cent, and of severe acute malnutrition 2.2 per cent. While not reaching the emergency threshold of 15 per cent, GAM rates were still a serious cause of concern and a strong warning that any further deterioration of the underlying causes of malnutrition – inadequacy of health care, water and sanitation and infant feeding – risks bringing rates to emergency levels. The lack of clean water and unhygienic practices, more than the lack of food, was responsible for acute malnutrition; 72 per cent of acutely malnourished children had been ill in the previous two weeks. This indicated an urgent need for intervention on health and WASH. Acute malnutrition was most prevalent among children between 6 and 24 months old, with rates of 22 per cent found. Emergency nutrition programmes were therefore to specifically target this age group. Meanwhile high levels of chronic malnutrition or stunting were seen as indicative of a “serious public health problem” among IDPs; 47 per cent of internally displaced children were affected, compared to the national prevalence of 26 per cent²⁸.

Inadequate conditions in evacuation centres and relocation sites

In evacuation centres and relocation sites, access to clean water and sanitation facilities is very limited and shelters are generally inadequate. These factors have combined with inadequate nutrition to threaten the health of people living there.

Poor sanitation and limited access to drinking water

Most IDPs in evacuation centres do not have adequate access to water for personal or domestic use, or access to proper sanitation. In many cases, several hundred people have to share one water source or a single latrine. A WASH assessment conducted in evacuation centres, relocation sites and house-based settings in Maguindanao and Cotabato in July 2009 found that almost 42,000

individuals had to share 61 water points and 165 latrines, representing one water point for 680 people and one latrine for 252 people²⁹.

In addition to the insufficiency of water sources, many people have used the water pumps installed by humanitarian agencies for domestic purposes, and have instead dug traditional unprotected open wells to get their drinking water. Measures are urgently needed to enable households to treat their own water, and to protect the existing open wells and other water sources.



A woman using a traditional unprotected well, in Makir Evacuation Centre, Datu Odin Sinsuat, Maguindanao. The water is not potable but in the absence of a safe water source it is used for cooking and as drinking water. (Photo: IDMC, May 2009).

According to the assessment, a lack of water, latrines and basic materials such as soap has combined with the absence of hygiene promotion to undermine personal hygiene levels. One out of four existing latrines cannot be used because it needs to be emptied. As a result, most IDPs are forced to defecate in the open. Most of the few hygiene promotion activities started have been discontinued. In Talayan evacuation centre, Maguindanao, IDPs were reported to sometimes fetch their drinking water from a muddy stream which also serves as a latrine and to clean farm animals. The majority of the children who died in the camp had reportedly suffered from diarrhoea linked to the poor quality of water³⁰.

Water and sanitation conditions were found to be even worse in relocation sites and in the evacuation centres set up since April 2009. The proper monitoring and addressing of the water needs of IDPs was complicated by weak camp management structures and insufficient repair and maintenance of facilities by Local Government Units (LGUs) struggling with dwindling resources. Overall, the situation in Maguindanao and Cotabato was seen as

deteriorating and the assessment highlighted an urgent need to further assess and improve the situation³¹.

Despite the lack of water points and inadequate sanitation, major disease outbreaks have so far been avoided, and IDPs have been far more concerned with the irregularity of food supplies, the lack of income-generating activities and the need to improve their shelters, as few envisage a quick return.

Highly congested camps with insufficient and inadequate shelters

Shelters are often insufficient in number and of inadequate quality; IDPs who are not in evacuation centres in converted public buildings are either living in tents or makeshift huts made of branches and tarpaulin which are not strong enough to provide lasting protection against the sun or the rain. During the rainy season from June to November 2008, many evacuation centres were flooded and residents often forced to move again. In 2009 there is a widespread urgent need to replace worn-out shelter materials, in particular in the old evacuation centres.

After the government launched its return plan in early 2009, and some IDPs were moved to relocation and transition sites, congestion became less severe in some of the old evacuation centres. However, on average, from three to five families have still had to share one single room. In Tamar evacuation centre in Talayan, Maguindanao, the shortage of shelters meant that some IDPs were reportedly forced some to sleep in a sitting position³². In DGPC evacuation centre in Datu Piang in Maguindanao, over 100 families were in May 2009 forced to live under school buildings (built on stilts) due to lack of space and shelters³³. Almost completely deprived of any natural light and ventilation, they had no protection against floods when the nearby river overflowed.

The tarpaulin “bunkhouses” which government agencies have built in the relocation sites are often even more uncomfortable, as up to four families are forced to share around ten square metres; they lack ventilation as well as space and privacy. The limited water and sanitation facilities and the absence of electricity also increase risks to personal security and integrity, particularly for women and girls.

Health problems in evacuation centres

Unhygienic living conditions and practises and poor nutrition are major causes of health problems, with diarrhoea and pneumonia reported as the leading causes of death³⁴. The most common primary symptoms reported were fever, followed by repeated coughs and colds, and diarrhoea³⁵.



A makeshift latrine in Lumpong Evacuation Centre, Datu Odin Sinsuat, Maguindanao (Photo: IDMC, May 2009).

A total of 380 deaths linked to the conflict were officially recorded from August 2008 to July 2009³⁶. 268 cases, or more than two-thirds of the officially-recognised deaths, were of IDPs who died from causes related to illness while staying in camps. 84 per cent of deaths in camps were in ARMM. The real scale of death in displacement is still higher, however, as casualties among IDPs seeking refuge outside recognised camps are generally excluded from these statistics. According to records which the Municipal Disaster and Coordinating Council in Datu Piang (Maguindanao) shared with IDMC in May 2009, over 100 IDPs died in this municipality alone between August 2008 and May 2009. These findings reflect the greater scale of displacement in ARMM and also that conditions there are probably worse than elsewhere in Mindanao.

Medicine is often unavailable or unaffordable for the displaced and local health systems lack the capacity to respond over a sustained period. An inter-agency assessment conducted in September 2008, only a few weeks after the start of the renewed conflict, already showed initial signs of fatigue among direct health service providers, even though the capacity of local health systems in the four provinces surveyed was sustained through a number of measures including the deployment of medical personnel to IDP camps, the presence of local health volunteers and the provision of extra medical supplies. Obstacles to the provision of medical services included the high mobility of IDPs, security restrictions which limited the mobility of health workers and the absence of any cultural- and gender-sensitive health, nutrition and WASH material³⁷.

Conditions for IDPs in host communities

Roughly four out of ten IDPs are “house-based”, with most of them living with relatives. They are less visible than people in evacuation centres or in relocation sites, and also suffer from the assumption by aid agencies that

they have less urgent needs. While it is true that those accommodated by relatives were generally better off in the early phase of their displacement as they could rely almost immediately on some level of family or community support, their apparent advantage disappeared over time as IDPs in camps started getting more assistance while they continued to rely on their hosts' dwindling capacity to support them.

Assessments of the water and sanitation situation in host communities revealed conditions that were not much better and even sometimes worse than in evacuation camps or relocation sites. However, as with IDPs living in camps or relocation sites, those accommodated by relatives appeared more concerned about accessing food or income-generating opportunities than improving their access to water and sanitation³⁸. Food assistance was extended to house-based IDPs later than to camp-based IDPs, and also in smaller rations and not to all of them; house-based IDPs have also had to share food aid and other relief items with host families, whose situation has become equally precarious. IDPs are also competing with the host population to access scarce job opportunities, sometimes causing tensions between the displaced and their hosts.



A makeshift latrine in Lumpong Evacuation Centre, Datu Odin Sinsuat, Maguindanao (Photo: IDMC, May 2009).

Host communities have faced a reduction in food security, and in access to drinking water, sanitation facilities, land and shelter. Three-quarters of host households surveyed in early 2009 reported that access to food had become a problem. While a majority of respondents who shared their homes considered their shelter as adequate prior to the arrival of the displaced, only 16 per cent had the same opinion five months later³⁹. Access to clean water was already very difficult before the influx of IDPs, with few reliable water sources existing and many host areas prone to flooding.

As with previous episodes of displacement in the region, what started as a temporary hosting solution has often become permanent, as people have found a livelihood in the host communities, children have enrolled in school

and families have created new social networks⁴⁰. Conflict and displacement in Mindanao is known to have significantly contributed to rural-urban migration in the past decades. Impoverished by the loss of property and livelihoods, these urban IDPs have often ended up mingling with other migrants fleeing poverty in search of new opportunities in the cities. Recognising this fact, a number of projects have been implemented in recent years, namely in Cotabato City, to help displaced communities address their main rehabilitation needs and secure new livelihoods⁴¹. These efforts remain however limited and most urban IDPs remain unidentified and unassisted.

Impoverishment, exploitation and reduced access to education

The lack of jobs or income-generating activities is often cited as one of the main problems facing IDPs in Mindanao. Already living below the poverty threshold, most displaced households suffered the loss of their livelihoods and further impoverishment as a result of their displacement. Away from their farm lands or traditional livelihoods, most have resorted to daily labour, petty trade and fishing, activities which have generated far less income and have not significantly improved their access to food or other basic necessities⁴².



Coconut pulp left to dry in the sun in DGPC Elementary School in Datu Piang, which was converted into an evacuation centre. Turned into oil and sold, this is one of the few sources of income for the displaced. (Photo: IDMC, May 2009).

The scarcity of employment or income-generating opportunities in the camps has made IDPs and in particular displaced women and children an easy target for traffickers⁴³. Displaced children often lack the protection provided by the community and schools, and a number of displaced girls and boys have been reportedly lured into exploitative and unsafe situations as domestic or factory workers or in prostitution networks⁴⁴.

While the education of all children in conflict areas is affected by the violence and its consequences, displaced children have tended to be more affected as the disruption of their education has often been long-lasting or repeated. Displaced children have dropped out of school entirely⁴⁵, for example due to the lack of security and uncertainty on the length of their displacement, the destruction of school buildings, the distance to schools from evacuation centres, the loss of the documents they need to enrol, and the prohibitive cost for their families. According to an estimate by the Provincial Planning and Development Office of Maguindanao Province, more than 18,000 displaced children had seen their school-

ing interrupted as a consequence of their displacement between 2008 and August 2009⁴⁶. The same month, the ARMM Department of Education estimated that 4,000 IDP children were at risk of dropping out⁴⁷.

In Datu Piang in Maguindanao, where there were up to 30,000 IDPs in mid-May 2009, the majority of displaced children had been displaced for nearly ten months by June 2009. While school authorities had made efforts to help displaced children pursue their education by allowing them to use classrooms in the afternoon while local children used them in the morning, many displaced parents had still been unable to afford school supplies or the children had had to work to complement the family income⁴⁸.

Threats to the safety of IDPs

Both sets of combatants in the Mindanao conflict have perpetrated human rights abuses and violations of international humanitarian law against civilians since the resumption of conflict in August 2008⁴⁹. MILF rebels have been accused of unlawful killings, hostage taking, looting of businesses and burning of houses of mainly Christian civilians in both Cotabato and Lanao del Norte Provinces⁵⁰. The AFP have reportedly perpetrated indiscriminate attacks against civilians, including aerial bombing and shelling, but also looting of property and crops as well as burning of houses accompanied by forced evictions⁵¹.

The conflict has also been fuelled by paramilitary groups and other civilian militias which have been promoted and armed by local politicians and the government⁵². Two of the main irregular auxiliary forces of the AFP, the Civilian Armed Forces Geographical Units and the Civil Volunteer Organizations, have in the past been responsible for human rights against civilians. The Illonggo Land Grabbers Association (ILAGA), a Christian paramilitary group founded in the 1970s and re-activated following the August 2008 conflict, has reportedly attacked Moro civilians in retaliation for MILF attacks in Cotabato and Lanao del Norte Provinces.⁵³

Civilians living near areas of fighting, mostly in the ARMM region, have been at risk of shelling and aerial bombardment, even after their displacement. In September 2008, all six members of a family, including four children, were killed in Maguindanao by a bomb allegedly dropped by the AFP while they were fleeing the fighting on a boat⁵⁴. Even evacuation centres are not safe, and in recent months there have been a number of cases of shelling

in or near IDP camps, with the AFP and the MILF usually blaming on each other⁵⁵. On 15 June 2009, an IDP camp in Maguindanao was hit by a mortar shell which killed one person and wounded three others⁵⁶. As a result, IDPs are often again displaced to camps further away from the areas of fighting.

AFP often fails to distinguish between civilian and rebel combatants

Human rights violations against civilians and IDPs in particular have reportedly increased in Maguindanao since April 2009, when a new AFP operation resulted in an increased military presence, an escalation in the fighting and a reduction in the access of humanitarians. During counter-insurgency operations by the AFP, people have been allegedly harassed, abducted, tortured and sometimes killed⁵⁷, with soldiers often accused of disregarding the distinction between civilians and rebel combatants⁵⁸. In areas known as MILF rebel strongholds, in particular in Maguindanao and Lanao del Norte Provinces, the AFP has come to openly consider IDPs as the “enemy reserve force”⁵⁹. This failure to distinguish between combatants and civilian non-combatants, a basic and essential principle of international humanitarian law, is a worrying development which is likely to lead to further violence against the displaced population.

The looting and burning of hundreds of civilian homes since August 2008, attributed mainly to the AFP but also to the MILF, is another violation of the “principle of distinction” which prescribes a clear separation between military and civilian objects. In early May 2009, people displaced in Talayan, Maguindanao filed a complaint with the Commission on Human Rights in Region XII for “destructive arson” against soldiers they accused of burning 150 houses in their community. They reported being told by the soldiers to leave their homes without any apparent security reason, and finding all the houses burnt down upon their return⁶⁰. IDPs fleeing their homes in Barangay Reina Regente in Datu Piang, Maguindanao, reported at the end of May 2009 that at least 100 houses had been burnt down by armed men they identified as belonging to local paramilitary groups⁶¹.

The AFP has imposed restrictions on the delivery of humanitarian assistance⁶², purportedly to protect humanitarian workers from attacks by rebel forces; however these restrictions and the resulting delays have not only



Re-displaced families in Makir Evacuation Centre. After seeking shelter in a camp close to their homes in Datu Piang where they didn't feel safe, they decided to flee further from the combat zone to Datu Odin Sinsuat. (Photo: IDMC, May 2009).

increased food insecurity among displaced people, they have also heightened security risks they face, as some IDPs have been forced to return to their homes or seek alternative food supplies near their camps. Away from the camps they have been caught in the crossfire and also often detained, by the AFP as a suspected member of armed rebels groups, or by rebel groups on suspicion of collaborating with security forces. On 7 May 2009, three IDPs went missing, reportedly abducted by security forces; they had been travelling to a village near the town of Datu Saudi after learning that the ICRC would distribute food there. The body of one was found the next day floating in the Rio Grande river⁶³.

The insecurity and military-imposed restrictions which have limited access to some areas, and the lack of independent human rights monitors, make it difficult to ascertain the full extent of human rights violations committed since August 2008. The lack of investigations by the police or the AFP into allegations of violations committed by their members, and the fear of reprisals, mean that most cases remain unreported and perpetrators can act with impunity.

A sustained pattern of violations against “enemies of the state”

The human rights violations committed in the context of the current Mindanao armed conflict do conform to a sustained pattern of violations committed by the AFP or paramilitary groups during previous phases of the conflict or in their fight against other insurgent groups. Past counter-insurgency operations against the ASG and the NPA have been accompanied by regular reports of human rights violations against civilians, and IDPs suspected of being members of the groups or supporting them.

The majority of the victims of human rights violations in the past years in the Philippines belong to “leftist” organisations such as peasant or fishermen associations, political parties, student or religious groups. These legal and peaceful organisations are often labelled by the AFP as allies of the NPA, or “enemies of the State”⁶⁴, and become legal targets and its members subject to “neutralisation” by the AFP. According to a 2006 UNICEF assessment, a textual analysis of AFP documents on military strategy and tactics indicate that “the distinction between combatants and civilian noncombatants is not just blurred but explicitly disregarded.”⁶⁵.

In his report to the Human Right Council in 2008 following a mission to the Philippines the previous year, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions described the AFP as being “in a

state of denial concerning the numerous extrajudicial executions in which its soldiers are implicated”⁶⁶. In March 2009, both Amnesty International and the European Parliament urged the government to investigate and end extra-judicial killings and other human rights violations for which there was “ample evidence” of the government security and armed forces’ involvement such as torture and cruel, inhuman or degrading treatment, enforced disappearances or illegal arrests⁶⁷.

Patterns of return and related problems

The government's efforts to enable IDPs to return to their homes have appeared more a list of activities than a comprehensive return and rehabilitation strategy. They have not generally reflected the reality of the displacement situation, and have primarily been driven by a concern to close the camps to ensure a quick and visible return of the displaced despite obvious and significant obstacles, the main one being the military operations driven by the government itself. Following the July 2009 ceasefire, new efforts have been underway to try to develop a coherent early recovery plan to support return and rehabilitation, and the UN, through UNDP as the lead of the recently-activated early recovery cluster, has been invited to advise the government on the process.

2008-2009: Continued fighting prevents return

Of the estimated 750,000 people displaced in the nine months since August 2008, it is estimated that two-thirds managed to return to their homes in the following weeks or months. Most of the returns took place in the provinces of Lanao del Norte and Cotabato, and to a lesser extent in Lanao del Sur and Maguindanao where sporadic skirmishes between government forces and MILF rebels continued to prevent returns while creating new displacement. Many of those who returned found their homes destroyed or damaged and their property and livestock looted⁶⁸. For the majority, assistance provided by the government or local authorities has been insufficient to compensate for their loss.

In January 2009, with more than 300,000 people still displaced and most of them clearly unable to return to their homes due to continued insecurity and significant destruction there, the government launched the PHP500 million (\$10 million) Early Recovery and Rehabilitation Plan, aimed at enabling most IDP to return in the following weeks. Local authorities were instructed to close as many camps as possible while the government initiated early recovery and rehabilitation activities⁶⁹. In the face of warnings by aid agencies about the prematurity of the plan and the impossibility of return for most IDPs, the government was obliged to clarify that nobody would be forced to leave the camps and that IDPs were only encouraged to do so where their return was possible⁷⁰.

While the majority of the displaced managed to return in provinces where conflict had already subsided, such as Cotabato or Lanao del Norte, many were afraid to return in areas where fighting continued, in particular in Maguindanao Province, where the largest number of people remain displaced.

The presence of the AFP or paramilitary groups in areas of return has also discouraged many from going back home, in particular in Moro areas but also in some Christian areas. Muslim IDPs from Aleosan municipality in Cotabato who sought shelter at evacuation centres in Datu Piang expressed their fear of returning to their homes due to the presence of ILAGA paramilitaries there⁷¹.

Many IDPs had nothing to return to, as their homes and means of livelihoods have been destroyed during the fighting; according to government records, at least 3,800 houses were damaged or destroyed by the fighting between August 2008 and May 2009, nearly 70 per cent of them in the ARMM region⁷². As of July 2009, the government had managed to repair less than one third of all destroyed or damaged houses⁷³.

Limited returns in the wake of July 2009 ceasefire

The July 2009 ceasefire resulted in a significant improvement of the security situation, mainly by putting an end to large-scale military operations and subsequent displacements. It has also allowed for a limited number of returns. By the end of August, spontaneous returns had been reported in Maguindanao province, mainly in Kabuntalan and Talayan municipalities where close to 5,000 families had reportedly returned, and some 3,500 families in Lanao del Sur Province and 2,000 families in Sultan Kudarat Province had reportedly started planning their return⁷⁴.

However, many IDPs were reportedly still too afraid to return as of September, in particular in Maguindanao Province, and it also appeared that some of the returns since July had not been voluntary, as IDPs were not consulted or involved in decisions, but instead just told to leave the camps and go back to their homes⁷⁵. No information is provided to them on conditions in areas of return, where few reconstruction and rehabilitation activities have reportedly started.

National response

The government response to the Mindanao displacement crisis can be described as significant in terms of the delivery of essential humanitarian assistance, in particular during the first months of the emergency, but also inconsistent and insufficient as the displacement situation evolved. Despite making real efforts to assist people affected by the conflict, the government has so far failed to provide a comprehensive response to the specific problems which IDPs face. Most efforts have gone into providing emergency humanitarian assistance, but not enough to ensure that the returns which have taken place are sustainable both in terms of security and livelihood opportunities, or that alternative durable solutions such as local integration or resettlement elsewhere are offered when return is not an option.



Rows of bunkhouses built by the government's Department for Social Welfare and Development in the DGPC Evacuation Centre, Datu Piang (Photo: IDMC, May 2009).

The government remains by far the main agent of displacement through military and security operations against rebels and criminal groups and their suspected sympathisers.

Causing recurrent waves of displacement to the same areas and communities year after year, repeated AFP operations have not only prevented early recovery projects from being implemented, but they have also undermined previous return and rehabilitation efforts and left stability and security a distant dream for most IDPs and returnees.

While the government has generally acknowledged the internal displacement situation, its scale and impact have been insufficiently documented and often played down. Protection issues, in particular those linked to military actions, have tended to be left neglected, and no steps

have been taken so far to develop a national IDP policy or action plan covering all phases of displacement.

Local non-governmental organisations, volunteers and other representatives from civil society, including IDP themselves, have played a critical role in assisting the internally displaced and in advocating for their rights in Mindanao, and elsewhere in the country. Some of the main local humanitarian actors are organised through the Mindanao Emergency Response Network (MERN), a coordination and assistance delivering entity revived since August 2008. Strong advocates for peace and IDP protection and rights have included the Mindanao People Caucus, a network of more than 50 grassroots organisations as well as the Bantay Ceasefire, a network of volunteers who aim to prevent conflict by conducting investigative missions of armed incidents and establishing early warning networks in the field.

The Bangsamoro Development Agency (BDA), the development arm of the MILF, has since 2006 been involved in community-driven reconstruction and development activities mainly in conflict-affected areas. Since August 2008, it has also responded to the humanitarian needs of communities affected by the conflict, including the displaced. Eight years after its creation, the BDA continues to lack capacity and resources and still needs to be fully recognised by the government as a legitimate development and assistance partner.

Coordination challenges

The government's Department of Social Welfare and Development (DSWD) remains the lead agency on IDP protection and assistance. The overall humanitarian response follows established plans: the National Disaster Coordinating Council (NDCC) coordinates the national response and regional, provincial and finally municipal coordinating councils manage the response at each level in conjunction with the LGUs. The NDCC is headed by the Secretary of National Defense. While these institutional arrangements do not present any problems when responding to the natural disasters regularly affecting the country, in situations of armed conflict the fact that the head of the main national assistance coordinating body is technically a party to the conflict can present obvious problems and concerns as to the neutrality and effectiveness of the response in areas considered by the government as loyal to insurgent groups.

The government has taken steps to clarify responsibilities and improve coordination between the different agencies involved in the assistance efforts, by establishing in October 2008 the NDCC Task Force on Humanitarian Assistance for IDPs in Mindanao under the chairmanship of the DSWD, and more recently the ambitious Health, Education, Livelihood, Progress Task Force for Central Mindanao (HELP-CM)⁷⁶. Coordination is still however largely driven from Manila, and coordination both between government agencies and between them and humanitarian agencies has been inadequate, with UN agencies only linking with the government through cluster mechanisms late in their response. Coordination between the government and local authorities of the ARMM has also reportedly been difficult. Poor communication and lack of information sharing between local bodies and the government has reportedly resulted in both gaps and duplication in assistance.

Between August 2008 and July 2009, the government reportedly spent a total of \$10 million (almost PHP500 million) to assist IDPs in camps or with host families as well as those who have returned.⁷⁷ The bulk of the money was spent on emergency relief assistance, and less than one fifth on early recovery and rehabilitation projects. The Early Recovery and Rehabilitation Plan, intended to signal a move from emergency relief to early recovery and solve the IDP crisis within a few weeks, largely failed to meet its objectives. In July 2009, six months after its launch, the government was unable to implement most of the projects due to insecurity, and was faced with an even greater number of IDPs to assist and a budget largely focused on early recovery and rehabilitation projects.



Relocation site in Datu Piang. A shortage of tarpaulin was reportedly slowing down the completion of the site. (Photo: IDMC, May 2009).

Government suspicion of Moro IDPs

The government has largely played down the severity of the displacement crisis and the scale of the humanitarian emergency, primarily to avoid attracting international attention to the conflict, and partly because of prevalent stereotypes of Mindanao and its Muslim and indigenous

populations. In September 2008, at the height of the displacement crisis, with half a million people displaced, the government insisted the situation was largely under control and there was no humanitarian crisis or need to appeal for international assistance, despite reports to the contrary by UN agencies and NGOs working there⁷⁸. Ten months later, in July 2009, with up to half a million people still displaced and dwindling resources to assist them, the government insisted that the situation still did not amount to a humanitarian crisis⁷⁹. The government has appeared to view the conflict and displacement in Mindanao as part of a natural state of affairs in that region, with the head of the Social and Welfare Department describing the Moro people as “used to it”⁸⁰.

The government has appeared at times unable to prioritise its responsibility to assist and protect all civilians, and its attitude towards IDPs from Muslim-populated areas has seemed at times to be driven more by distrust and suspicion than by concern for their well-being. Shortly after the August 2008 upsurge in fighting Oxfam, clearly referring to Moro civilians, noted that “humanitarian assistance is being withheld from some people because of their religious belief”⁸¹. In past years, there have sometimes been reports of discrimination in the provision of aid during displacement, with IDP camps housing civilians considered loyal to paramilitary and government forces reportedly receiving greater assistance from government aid agencies while (mainly Moro) IDPs in schools or makeshift shelters considered as “pro-MILF” found it more difficult to be recognised as beneficiaries and receive assistance⁸².

During 2009, government measures to better control the distribution of humanitarian supplies and stop them falling into the hands of MILF combatants have presented problems to IDPs: they have included the reduction of the size of food rations, and the general distribution of Family Access Cards (FACs)⁸³, which has raised concerns about possible use of the personal information collected on IDPs for security purposes⁸⁴.

Institutional reforms to strengthen human rights protection

The government has found itself under increased international scrutiny following the visits in recent years of a number of independent human rights experts and organisations. They have reported on widespread violations committed by the AFP, and pointed to the inadequate institutional arrangements which have failed to protect the victims, in particular those identified as “enemies of the state”. The Human Security Act (HSA) of 2007, an anti-terrorist law broadening the definition of terrorism

and increasing law enforcement agencies' power, has been criticised for threatening fundamental freedoms and violating a number of international human rights laws.⁸⁵

In the past couple of years, the government has made some efforts to strengthen human rights protection mechanisms or to adopt laws that criminalise reportedly widespread practices and behaviours such as extra-judicial killings, torture and enforced disappearances. These have however remained limited in the absence of concerted political will. Laws and mechanisms which exist and which should contribute to better protection continue to be poorly implemented.

Ongoing efforts to develop national legislation based on the UN Guiding Principles have remained stalled for a number of years. Following the 2005 National Multi-Stakeholders Forum on IDPs, the Internal Displacement Bill was presented to the Philippines Congress in 2006, and filed before the Senate in August 2007. The Bill comprehensively addressed the needs and rights of IDPs in the different phases of displacement. As of September 2009, the Bill had passed the House of Representatives (the lower chamber of Congress), but was still pending at the Senate.

One of the Bill's proposals is to make the Commission on Human Rights (CHR) the institutional focal point on IDP issues. While explicitly committed to monitor and report on human rights violations in the context of forced displacement and to promote the protection of the human rights of IDPs⁸⁶, the CHR does not yet have a presence in ARMM or a clear strategy in relation to the Mindanao situation⁸⁷. It is also reportedly lacking proper resources to fulfil its mandate⁸⁸.

In April 2009, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions reported to the Human Rights Council that one year after its visit to the Philippines in February 2007, the number of unlawful killings had appeared to have significantly decreased. However, forced disappearances, illegal detentions and torture remained a major problem⁸⁹. There are no domestic laws prohibiting torture or forced disappearances. In August 2009, the Philippine lawmakers adopted a final draft of a bill making torture illegal. The final version needs to be ratified before it is submitted to the President for final approval.⁹⁰

Little or no progress has been reported on reforming or improving existing programmes that would contribute to a greater respect of human rights. The impunity of officials continues to be encouraged by the lack of an effective witness protection programme. In September 2009, the Ombudsman for Mindanao started conducting

preliminary investigations on complaints filed by IDPs from Maguindanao against military officials they accused of destructive arson and misconduct. This was reported as the first time IDPs had filed complaints against the AFP during a conflict⁹¹.



Lumpung Evacuation Centre in Datu Odin Sinsuat (Photo: IDMC, May 2009).

International response

The international community's response has been vital to the IDPs in Mindanao. Many of them have relied on the humanitarian assistance provided by UN agencies and international NGOs to complement and fill the gaps in government assistance.

Since May 2009, in the context of growing insecurity and access restrictions, international agencies have sometimes struggled to reach the affected population, and have also found themselves under increasing pressure from the government to show that they are not indirectly supporting rebels of the MILF through the delivery of food and medical assistance to the displaced. To this end, they have been asked to better coordinate their assistance with government cluster leads and comply with their distribution and reporting procedures⁹². Problems reported in the monitoring of IDP numbers have led to significant discrepancies between official government figures and international agency figures have reportedly caused disagreements on the quantity of aid needed⁹³. Although they have been working within the same cluster coordination framework, the government and its international partners have interpreted and implemented the system differently, resulting in some degree of confusion.

Lack of leadership on protection issues

Overall, the humanitarian response of the UN was hampered until August 2009 by the absence of a permanent Resident Coordinator (RC) since August 2008. The RC is responsible for the strategic and operational coordination of the response efforts of the UN and its humanitarian partners, and also for advocating with all parties for the application of humanitarian principles and access to affected populations including internally displaced people.

This lack of leadership has been particularly felt in the protection cluster. Coordination arrangements require a cluster protection lead to be identified from among the three UN agencies with a core protection mandate (UNHCR, OHCHR, UNICEF)⁹⁴; however the UN has failed to designate one as lead agency to coordinate the international response, forcing the two successive RCs ad interim to formally take on the role despite the clear limits to their capacity to focus on the role. While issues of resources and capacity have played a role in the failure to clarify protection responsibilities, the government

has made no secret that it saw no need for stronger international involvement on issues related to human rights protection. The majority of the international agencies present in the Philippines are development-oriented, work closely with government departments and most prefer not to engage the government on sensitive human rights issues⁹⁵.

The "protection gap" was identified early on, but has remained largely unfilled since August 2008. No independent national protection cluster was established for more than a year. Inter-Agency Standing Committee (IASC) members have been able to discuss protection issues independently from the government in the Monitoring Working Group (MWG) established in February 2009 in Mindanao and led by the International Organization for Migration (IOM). However, its effectiveness has been hampered by lack of resources and support as well as by inadequate terms of reference which focused on monitoring in areas of return. In August 2009, the MWG was replaced by a Protection Working Group (PWG) with wider responsibilities⁹⁶ and its leadership was formally attributed to IOM under the supervision of the protection officer at the RC's office.

Despite these important shortcomings, there have been a number of positive developments in the past months that are likely to improve and strengthen the overall international response and in particular on protection issues. These have included the deployment by the Global Protection Cluster Working Group of a senior protection officer in Manila tasked with developing a long-term protection strategy, and the deployment in Mindanao of a humanitarian affairs officer by OCHA, mainly to facilitate coordination between UN agencies, international and national organisations and local and national government bodies.

A year after the start of the emergency an IASC protection cluster was finally established in Manila. Also, in early September 2009, after a vacancy of more than a year, a new RC took up position in Manila. Following Tropical Storm Ketsana, which hit the northern Philippines on 26 September 2009 and affected more than 2 million people, the UN Emergency Relief Coordinator proposed that the RC also assume the role of Humanitarian Coordinator (HC). It is hoped that this will help to ensure a systematic response to different crises in different areas, whether they are caused by natural disaster or by conflict.

No international funding appeal despite considerable humanitarian and rehabilitation needs

In the past years, most donor assistance for the Philippines has been directed towards Mindanao. While a number of initiatives have sought to directly address the relief and rehabilitation needs of IDPs, they are usually considered as one vulnerable group within a larger target population in Mindanao's conflict-affected areas. In line with the prevailing view that under-development is one of the main roots of the conflict, most of the resources and efforts are concentrated in long-term initiatives aimed at improving governance, developing infrastructure and stimulating economic growth⁹⁷. Designed for times of peace, the implementation of many of these projects has been prevented by regular rounds of fighting.

Since August 2008, the government has opposed any international donor appeal, preferring contributions to be channelled through non-emergency programmes or instruments such as the Central Emergency Response Fund (CERF), which has provided \$7.2 million since August 2008 to UN agencies working in Mindanao⁹⁸. The European Commission has been by far the largest humanitarian donor with over \$22 million contributed since August 2008 to assist the conflict-affected people in Mindanao⁹⁹. The other main donors include Japan, the United States, Germany, Italy and Canada. There has been a near-total absence of support to protection-related activities since August 2008, with contributions focusing mainly on emergency humanitarian assistance. As of September 2009, many agencies were still reporting significant funding problems.

Conclusion: closing the protection gap

While both the government and the international community have made genuine efforts to assist and help rehabilitate close to a million people displaced since August 2008, their protection needs remain poorly monitored and analysed, and largely unaddressed.

The government must do more to ensure the effective exercise of national responsibility and the protection of the rights of the internally displaced. As was strongly reaffirmed by states including the Philippines at the 2005 World Summit, each government has the responsibility to protect its population from crimes and human rights violations. As such there are a number of fundamental obligations that governments have to fulfil and core human rights it has to respect. In the current displacement situation in Mindanao there are strong concerns that pro-

tection issues are not given the attention they deserve, with the government often unwilling to recognise the impact of its military operations on civilians, in particular IDPs, and to consider ways to improve their protection. The government tends to use sovereignty as a shield against interference rather than as a basis of responsibility to assist and protect all citizens.

The strengthening of local and regional protection capacities as well as increased cooperation with international protection mechanisms and monitors should not be seen as a threat to its sovereignty but rather as a chance for the government to show that it is committed to ensuring the welfare and protection of all its citizens, including the internally displaced. While the establishment of a Commission on Human Rights in ARMM should be encouraged and supported, independent human rights experts and in particular the Representative of the UN Secretary-General on the human rights of IDPs should be invited to visit the country to assess the internal displacement situation and recommend further improvements to the response.

The Mindanao Trust Fund-Reconstruction and Development Program (MTF-RDF), spearheaded by the World Bank and which most donor countries hoped would become an important tool for addressing the rehabilitation and development needs of the conflict-affected community in Mindanao remains stalled due to continued insecurity preventing the implementation of projects and also because of the lack of trust between the government and the BDA. The full implementation of the MTF-RDF hinges on the conclusion of an elusive final peace agreement. While ongoing development assistance is necessary and should be even stepped up to improve the standard of living of the people living in Mindanao, it cannot be a substitute for political concessions and social justice for the Bangsamoro people. A political settlement is a necessary pre-condition to give way to peace and development in Mindanao, but without access to justice and security, no peace agreement will be sustainable.

Already identified as a priority assistance gap at the onset of the renewed conflict, the failure of the UN agencies to assume clear responsibility for protection and ensure a strong response has prolonged limitations to IDPs' enjoyment of their rights in the context of growing insecurity and an increased rate of human rights violations against them. While the government has the primary responsibility for the security and welfare of its citizens, when this does not happen the international community has the responsibility to encourage the government to meet its obligations and offer to provide assistance to build its capacity to protect.

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (DMC), established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, IDMC contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based IDMC runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, IDMC advocates for durable solutions to the plight of the internally displaced in line with international standards. IDMC also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people.

For more information, visit the Internal Displacement Monitoring Centre website and the database at **www.internal-displacement.org**

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