

**A PRIMER
ON
INTERNAL
DISPLACEMENT
IN THE
PHILIPPINES**

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A PRIMER ON INTERNAL DISPLACEMENT IN THE PHILIPPINES

FOREWORD

THE DISRUPTION OF lives of persons, families and communities as a result of armed conflict and development aggression creates an ugly scar in the minds and hearts of those affected. Protecting people who are compelled to leave their homes and communities due to militarization, gross violations of human rights and other events that upset the norms and patterns of community life is one of the most compelling challenges for human rights advocates in the Philippines today.

Internal displacement always causes devastating impacts on the families and communities, hitting hard the children, women, and other disadvantaged sections of society. It denies the victims access to land and livelihood; it deprives them of shelter and security; it shatters their right to live in peace and enjoy their right to development. This state of dispossession and deprivation often leads to a psychosocial crisis which, when left unchecked, breeds a more profound psycho-emotional condition among the internally displaced persons. In countries where it has become a recurring phenomenon, displacement has perpetuated a climate of hostility which feeds on the denial of justice and respect for human dignity.

Balay believes that the phenomenon of displacement in the Philippines has to be seriously addressed by State authorities in order to protect and promote the rights of the internally displaced persons, and over the long haul, to curb and finally eliminate the social conditions that make it happen. To do this, human rights defenders, service providers, peace advocates, and the stakeholders themselves should take the main role in reclaiming the rights and dignity of the IDPs, and to work for a just and sustainable peace in our land.

Towards this end, Balay offers this Primer on Internal Displacement in the Philippines as a modest contribution. We hope that this primer would be able to enrich and expand current literature on the topic as we work jointly with other human rights groups in raising our people's awareness. In the future, our reward can only be a nation without internal refugees, a country that is truly a home for its peoples.


Lorena B. Dela Cruz
Executive Director

ACKNOWLEDGEMENT

THIS PRIMER DRAWS inspiration from the internally displaced persons whose special conditions, needs and rights are profoundly articulated in the United Nations Guiding Principles on Internal Displacement and the Handbook for Applying the Guiding Principles on Internal Displacement. We make it known that we have quoted liberally from the same sources to make this primer.

We also give thanks to the people of Pikit, North Cotabato and to other communities that we served in Lamitan, Basilan, Mati, Davao Oriental, Bianan and Aflek in T'boli, South Cotabato, Apopong, General Santos City and Towerville, San Jose Del Monte, Bulacan for affirming the view that community-based peace-building and human rights advocacy works.

To our allied organizations in the human rights community, thank you for traveling with us on the difficult road of promoting the rights of the internally displaced persons in the country, and in working towards the reduction, if not the elimination, of the socio-economic and political conditions that drive people to mass exodus.

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"IT IS ABUNDANTLY clear that unless ways can be found to counteract the withholding of, or outright violations of human rights, unless there is a more equitable sharing of the world's resources, more restraint and tolerance, the granting to everyone, regardless of race, religion, membership of a particular social group or political party, the right to belong—or alternatively to move in an orderly fashion to seek work, decent living conditions and freedom from strife—the world will continue to have to live with the problem of mass exodus. This problem, if left unchecked, will increasingly pose a threat to peace and stability around the globe."

Report of the
UN High Commissioner
on Refugees to the
38th Session of the
Commission on
Human Rights



What is Internal Displacement?



THE PHENOMENON of internal displacement refers to the involuntary or coerced movement or relocation of persons, families, or communities from their areas of habitual abode and source of subsistence within national borders.

The internally displaced persons in the Philippines are usually driven to exodus or mass departure to escape harm or persecution arising from human-made disasters such as armed conflict, situation of generalized violence, violations of human rights, demolition, land conversion, environmental destruction and aggressive implementation of development projects.

Internal displacement may also take place as a result of natural calamities beyond human control such as storms, floods, and volcanic eruption.

A study released by the US Committee on Refugees (USCR) in December 1999 disclosed that the Philippines ranked fourth among Southeast Asian countries with the most number of internally displaced persons. The list is topped by Burma, Indonesia, and East Timor in that order.

Who are the Internally Displaced Persons?



THE UNITED NATIONS Guiding Principles on Internal Displacement defines the internally displaced persons (IDP) as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of: armed conflict, situations of generalized violence, violations of human rights, natural or human-made disasters

Persons who voluntarily move from one place to another, within the nation's borders, to improve their economic status, to pursue the enjoyment of their social preferences, or to exercise their cultural imperatives do not fit the description of internally displaced persons to whom the Guiding Principles apply.

On the other hand, those who are forcibly driven away from their homes or have to flee because of armed conflict, human rights violations, and other natural or human-made disasters are the



internally displaced persons referred to in the Guiding Principles.

In some cases, internal displacement may be caused by coercive or economic factors. An example are indigenous peoples or an ethno-linguistic minority who are uprooted in order to pave the way for the entry of foreign big business and so-called development projects. Persons who feel forced to move in response to systematic violations of their human rights, including economic, social, and cultural rights, fit the description of internally displaced persons.

The United Nations High Commissioner for Refugees (UNHCR) has emphasized that IDPs "are those who are forced to flee their homes but remain within the territory of their own country. They are unable to cross national borders and reach another internationally recognized state or country where they could receive protection and assistance which they desperately need."

By definition, IDPs are distinct from refugees. According to the UN, the term refugees refer to "persons who, owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." Refugees are protected by the International Refugee Law of 1958.

THOSE WHO are forcibly driven away from their homes or have to flee because of armed conflict, human rights violations, and other natural or human-made disasters are the internally displaced persons referred to in the Guiding Principles.

Being internally displaced does not confer to the IDPs legal status as provided for by international refugee law. Unlike refugees, the IDPs have not left their country. However, they remain entitled to the same rights that all other persons in their country enjoy. Moreover, they do have special needs by virtue of their displacement which government authorities have to attend to as spelled out in the Guiding Principles and other human rights instruments.

Who are the Most Common Victims of Displacement?



THE DISPLACED FAMILIES in the Philippines mostly come from rural areas, usually from the interior and hinterland communities. In the urban centers, those who are categorized as urban poor are the hardest hit by forced eviction.

By far, majority of the IDPs are found in Mindanao. Most of them belong to the Moro ethno-linguistic groups, notably the Maguindanaoan, Maranao, Iranun and Tausug whose homelands are the site of repeated fighting between government and rebel groups. Indigenous peoples such as the B'laan, T'Boli, Higaonon, Manobo, Subanen, and Teduray also count among those who are frequently forcibly driven to mass exodus due to armed conflict. Christian settlers in Mindanao also evacuate to escape from the crossfire between government troopers and rebels.

Mangyan communities in Mindoro and civilian farmers in some villages in Eastern Visayas have also been affected by military operations against the New People's Army.



Displaced families usually depend on subsistence agriculture. They grow rice, root crops, corn, and vegetables. Raising livestock, fishing, and weaving is also a common source of income for IDPs, either as main economic activity or supplemental to other source of livelihood.

In the urban areas, the vulnerable sectors belong to impoverished families living in settlements claimed by private or government entities. Many used to be farmers who left the countryside to get away from armed conflict and poverty in their villages. Attracted by the proverbial greener pastures in towns and cities, they are unable to find sustainable jobs and a secure place to stay in urban areas. They often live in areas near their source of livelihood such as port areas, factories, commercial districts and markets. Many of them are found in the so-called informal sector serving as drivers, port workers, vendors, washers, carpenters who hardly have any fixed income. Unable to afford the high cost of land and materials to build houses, many are compelled to live along riverbanks, esteros, railroad tracks.

The Citizen's Disaster Response Center (CDRC), in a study, has noted that most victims come from highly vulnerable groups. Children alone comprise over half of the total number of persons of internally displaced due to armed conflict (HR Forum, 1993).

What is the Movement Pattern of IDPs?



IDPs USUALLY MOVE from rural to urban areas, or from conflict-ridden and devastated places to areas where they are relatively sheltered from violence and harm. Others who are uprooted from their ancestral domain and farms find temporary shelters in church, plaza, schools, government buildings, and evacuation centers. Others go deeper into the forest where they feel safer. Others move in with their relatives elsewhere.

Many of those who are forcibly evicted in urban areas (such as the urban poor), usually move around the city and rebuild their makeshift dwellings by the roadsides, riverbanks, dumpsites, or near railroad tracks. Others are relocated by the government to areas away from their source of income.

What are the Types of Displacement?



HERE IS TEMPORARY displacement, repeated displacement and long term displacement. Temporary displacement is a situation where the victims are compelled to transfer from their usual place of abode or community for a relatively brief period of time. After which,

the IDPs return to their homes and farms and resume their usual personal, social and economic activities. An example is a community forced to seek temporary shelter in an evacuation site until a heavy storm or swelling of the river subsided. Those temporarily displaced by armed conflict usually return to their villages after a few months, when the fighting is over.

Repeated displacement takes place when families or communities are driven to move elsewhere a number of times. This is illustrated by the experience of many IDPs who have already returned to their community but are forced to evacuate again due to the recurrence of violence and violation of their human rights. This usually happens in places where skirmishes between government troopers and members of armed opposition groups erupt from time to time, disrupting repeatedly the lives and usual activities of the affected population.

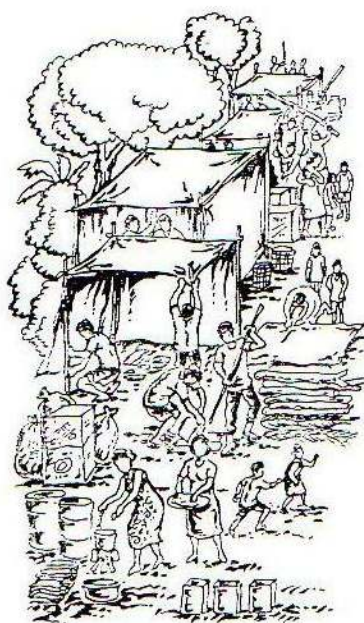
Long-term displacement refers to a situation where the affected persons or families are forced to stay in temporary settlements for an indefinite period of time. They are unable to return to their original place of residence for fear

TEMPORARY

displacement: victims are compelled to transfer from their usual place of abode or community for a relatively brief period of time.

Repeated displacement: families or communities are driven to move elsewhere a number of times.

Long-term displacement: people are forced to stay in temporary settlements for an indefinite period of time and unable to return to their original place of residence.



over their lives and safety, devastation of their properties and source of subsistence, or the lack of economic and political means to go back and rebuild their community.

A family that returns to the community during certain hours in the day to tend to their crops or to gather food is still considered displaced. A family that has no more intention to go back to their original community and/or

habitual residence is still displaced as long as full relocation is not established.

Displacement is considered to have ceased when the victims have returned or successfully resettled elsewhere, living a lifestyle similar or better as before displacement, and when cultural and psychosocial rehabilitation are attained (ECDFC, 1998).

What are the Most Common Reasons Behind Displacement in the Philippines?



ASIDE FROM NATURAL calamities, militarization and armed clashes between government forces and armed opposition groups are the leading causes of displacement in the Philippines today.

The fighting between government forces and members of the Moro Islamic Liberation Front (MILF) have turned hundreds of villages into virtual ghost towns in central Mindanao and in other areas covered by the Autonomous Region for Muslim Mindanao (ARMM).

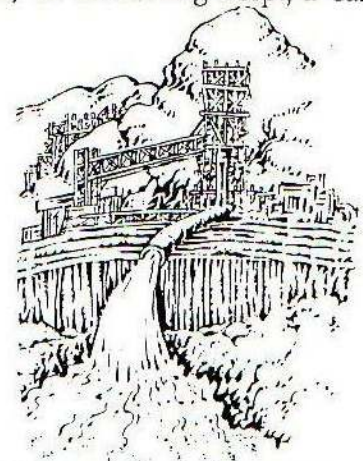
In 2003, the Department of Social Work and Development (DSWD) reported that the number of IDPs had reached more than 400,000. Before a truce was reached between government forces and the rebels, they were temporarily housed in 286 in 73 municipalities, 4 cities in 12 provinces in Mindanao. The data does not include those who moved in with their relatives elsewhere or those who may have migrated to Manila or other town centers for safety. More than one million people were affected at the height of the "total war" anti-insurgency campaign of the Estrada administration in 2000. The diaspora due to mortar shelling, air strikes, and combat clashes has affected not only the right to abode, freedom of movement and security of civilians, it also affected their right to adequate food, shelter, education, cultural practices, psychosocial well-being and health.

Violent demolition and forced eviction of urban poor communities is another common reason behind the rise of displacement incidents in the country. The government's drive to get rid of urban poor communities to allow the construction of infrastructure projects as well as commercial and recreational centers persisted. The Task Force Detainees of the Philippines (TFDP) has documented some 26 cases of demolition that destroyed 12,965 houses in 1998. The displaced residents were not provided with relocation opportunities.

In the countryside, farmers are driven from their farms by the conversion of their land into non-agricultural uses. Legal land conversions went up by 38.56 percent from

21,105 hectares in 1997 to 29,244 hectares as of December 1998, according to the Philippine Peasant Institute (Farm News and Views, May-June 1999). The land conversion applications came mostly from agricultural regions where industrial centers are expanding such as in Southern Tagalog, Central Luzon, and Southern Mindanao.

Large-scale mining have also uprooted large populations and continue to pose imminent trouble, especially among indigenous peoples whose ancestral domain are the targets of mineral extraction activities of multinational companies. In Sibutad, Zamboanga del Norte, the Subanen people are being dislocated by the entry of TVI Mining Corp., a Canadian firm engaged in gold mining operations. The freedom of movement of the indigenous people are being restricted by company guards and members of a para-military group to discourage them from returning to the land of their ancestors.



A mining firm named Manila Mining Corporation has displaced at least 23 families in Bgy. Magsaysay, Placer, Surigao del Norte. It spilled a million-ton of cyanide-laced waste which buried 17 shanties. Green Mindanao has been actively monitoring the situation in the said area. It lamented the Mining Firm's alleged lack of concern on the plight of the displaced residents. It is planning to sue the company for asking the residents to sign documents which they believe as waivers without explaining their contents in the vernacular (Inquirer, May 1999).

What are Some of the Psychosocial Impacts of Displacement Among IDPs?



THE PSYCHOLOGICAL EFFECTS of displacement are appalling. Signs of traumatic distress such as intense anxiety, fear, shock and disorientation are most notable among IDPS who underwent life-threatening situations, including those who are widowed or orphaned by war or any similar tragic situation. The involuntary movements of evacuees disrupt their usual lives. This takes its heaviest toll among children whose fragile situation threw them deeper into a sense of confusion and helplessness. Unable to return to their communities to resume peaceful lives, the education of children are greatly affected. Kids who grew up in a climate of aggression, animosity, and deprivation are likely to imbibe a culture of hostility and aggression. Impoverished as they already are, malnutrition and various kind of sickness stalk the IDPs, especially those who stay in evacuation sites with hardly any assistance from authorities.

What are the Obligations of the State in Relation to Internal Displacement ?



THE MOST EFFECTIVE way to address internal displacement is to avoid conditions that might compel people to leave their homes against their will. When government and other institutions respect human

rights and humanitarian law, the likelihood of internal displacement is greatly reduced.

Any government has responsibility over the people who are within their territory. Primary responsibility for promoting the security, welfare, and liberty of people rests with the state. These responsibilities are articulated in international human rights and international humanitarian law. The Philippine government, as a signatory to the Universal Declaration of Human Rights, the International Humanitarian Law, the International Refugee Law, the Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social and Cultural Rights (ICESCR) is also duty-bound to do all it can to prevent human rights violations and prevent conditions that may result in mass exodus of individuals, families and communities.

National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction. All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.



The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated. States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

What is the United Nations Guiding Principles on Internal Displacement (UNGPID)?



ALTHOUGH THE PHENOMENON of internal displacement has been around in many countries since time immemorial, it is only after the last world war that international political attention became focused to the problems internal displacement brings to a country. After World War II, only refugees who cross international borders to escape religious, political, and economic persecution were protected under the law.

In response to the request of the UN Commission on Human Rights for a normative framework for the internally displaced, the Representative of the Secretary General on Internally Displaced Persons submitted in 1998 the Guidelines on Internal Displacement for the 54th session of the UN, in collaboration with the responsible UN agencies and other international organizations and NGOs interested in the issue of internal displacement.

The UN Guiding Principles on Internal Displacement (UNGPID) is now a major document that invokes recognition and protection of the rights of the IDPs. It identifies the rights and guarantees relevant protection of the internally displaced in all phases of displacement. It provides protection against arbitrary displacement and set forth guarantees for the safe return, resettlement, and reintegration of IDPs. It intends to provide valuable practical guidance to government, competent authorities, intergovernmental organizations, and NGOs in their work with the displaced populations.

Although the Guiding Principles themselves are not binding legal document comparable to a treaty, they are based on and consistent with international human rights law, humanitarian law, and refugee law by analogy. All international organizations, government authorities, insurgent groups, non-governmental organizations, and other institutions that come in contact with IDPs should respect these principles as should the internally displaced.

Recommendations of the UN Representative on Internally Displaced Persons



THE INVITATION of the Government, the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, undertook an official visit to the Philippines, from 6-14 November 2002. The objectives of the Representative's mission were to develop a better understanding of the situation of internal displacement in the Philippines through dialogue with

the Government, internally displaced persons, civil society, the United Nations team in the country and other international partners and to explore how to enhance national and international responses to the plight of the internally displaced. Although displacement in the Philippines in the recent past has occurred for a variety of reasons, including natural disasters as well as development projects, the Representative's mission focused on the situation of displacement in Mindanao (the second largest island in the archipelago) resulting from the armed conflict between the Moro Islamic Liberation Front (MILF) and the Armed Forces of the Philippines (AFP) in 2000.

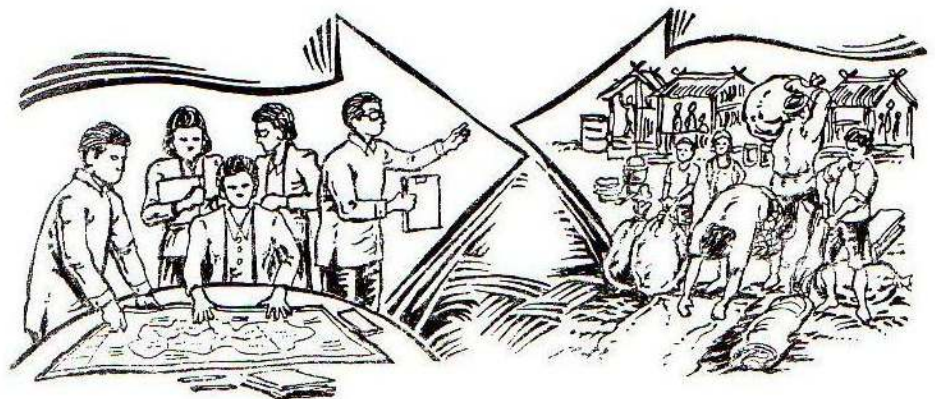
At the peak of the crisis, between 700,000 and a million persons were displaced. While most of those displaced from the 2000 conflict have since returned to their home areas, concerns remain about the conditions in areas of return, the situation of those who are still displaced and the further displacement reportedly resulting from ongoing anti-terrorism operations

DISPLACEMENT in the Philippines in the recent past has occurred due to natural disasters, development projects and armed conflicts. At the peak of the 2000 Mindanao crisis, between 700,000 and a million persons were displaced. Most of those displaced from the conflict have since returned to their home areas, but concerns remain about the conditions in areas of return, the situation of those who are still displaced and the further displacement reportedly resulting from ongoing anti-terrorism operations in some areas of the country.

in some areas of the country, including Mindanao. In his discussions with the authorities at the national, regional and local levels, the Representative found that there was considerable awareness among government authorities of the situation of internal displacement in the Philippines and that a number of steps had been taken to address the problem, in particular at the policy level. The challenge now is mainly one of ensuring the implementation of these policies on the ground. Toward this end, the Representative makes the following recommendations:

1 Closing the gap between government policy on internal displacement and implementation on the ground

To bridge the gap between the positive statements of the Government and the conditions on the ground, enhanced formulation, articulation and wider dissemination of a comprehensive and integrated national policy on internal displacement is needed. This should serve to clarify strategies for addressing the problem of internal displacement, including protection and assistance needs, and to facilitate the search for durable solutions. To this end, the organization



of a national conference on internal displacement, with the participation of representatives from the Government at the national, regional and local levels, non-governmental organizations (NGOs), civil society, United Nations agencies and other international partners is recommended. The resulting policy and strategies should be widely disseminated throughout the country, especially in areas of displacement outside of the capital, and specifically among internally displaced communities.

2 Establishing appropriate institutional structures and mechanism of coordinated response

Building upon mechanisms already in place, appropriate institutional structures for addressing displacement issues should be established within the Government at all levels, (central, regional and local), including the appointment of focal points to facilitate coordination within the Government and with United Nations agencies and other partners in the international community on issues of internal displacement.

3 Collecting disaggregated data on the internally displaced population

The collection of disaggregated data is necessary to obtain more accurate information on the internally displaced and

To BRIDGE the gap between the positive statements of the Government and the conditions on the ground, enhanced formulation, articulation and wider dissemination of a comprehensive and integrated national policy on internal displacement is needed.

their needs, and therefore to target responses more effectively. In this connection, it is also crucial to develop a system to identify the numbers and nature of displacement which reportedly has resulted from anti-terrorism operations currently under way in the country.

4 Strengthening efforts to address the continuing needs of displaced communities and the returnees

Although a significant level of assistance is being provided to the internally displaced by governmental bodies, such as the Department of Social Welfare and Development (DSWD), as well as United Nations agencies, the donor community and NGOs, there is a continuing need for better protection of displaced persons, returnees and host communities. Although the gap between national policies and the level of implementation, particularly in Mindanao, made the affected populations feel isolated, neglected and alienated, the national authorities' recognition of this gap is an important and encouraging first step towards rectifying the situation.

5 Providing assistance for return, resettlement or local integration

During his visit to the areas affected by the conflict in central Mindanao, the Representative noted that significant assistance had been provided for the return and/or resettlement of the displaced. However, in many areas, there was evident lack of basic services. Moreover, most of the returnees had lost assets essential to their subsistence, such as animals or land, in the course of the hostilities.

As part of its response to internal displacement, the Government should determine how to ensure the restitution

of, or compensation for, lost property. In addition, in light of the trauma evidenced among some displaced persons with whom the Representative met and their expressed wish not to return to their areas of origin until they are entirely clear of military presence, the Government should also support the resettlement and reintegration of those displaced who do not wish to return.



6

Responding effectively to new displacement

While solutions are being pursued for those displaced in 2000, attention must also be given to addressing the new displacement resulting from the anti-terrorism measures. Notwithstanding the sensitivity of the terrorism issue, both the Government and the international community need to take measures to ensure protection against arbitrary displacement and to provide protection and assistance to newly displaced persons.

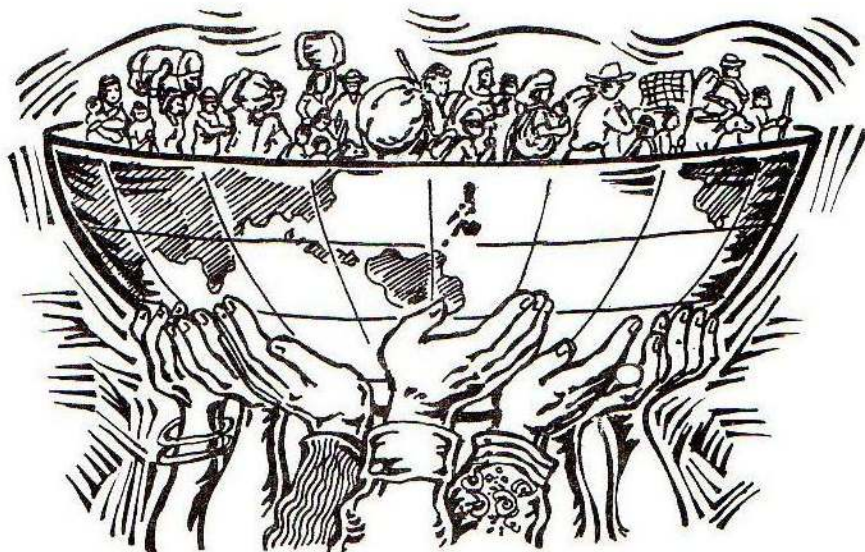
7 Disseminating and providing training on the Guiding Principles on Internal Displacement

Training in international humanitarian law and human rights law, including the Guiding Principles, for the security forces, regional administrators and other pertinent officials whose mandates and scope of activities encompass displaced communities should serve to reinforce and enhance the effectiveness of the Government's efforts to address internal displacement. Moreover, the Guiding Principles can be a useful tool for the Government in developing policies, legislation and strategies for dealing with displacement, including providing protection against arbitrary displacement and protection and assistance to displaced persons.

8 Developing a regional approach

Although internal displacement is a domestic problem, in the Philippines there are important linkages with similar patterns in other countries in the region. In this connection, it is worth recalling that the Government, while acknowledging the problem of internal displacement and the need

THE GOVERNMENT, while acknowledging the problem of internal displacement and the need to strengthen its protection role, also recognizes the link between the problem in the Philippines and the situation in neighboring countries and the need to draw lessons and good practices from their experiences.



to strengthen its protection role, also recognizes the link between the problem in the Philippines and the situation in neighboring countries and the need to draw lessons and good practices from their experiences. The Representative encourages the Government to act on its proposed initiative to host a regional conference on internal displacement and migration issues and is prepared to cooperate with the authorities on this initiative.

9 Enhancing the role of, and increasing international support for, the United Nations country team

In the Philippines, United Nations agencies have established several working groups which appear to serve as valuable mechanisms for channeling their respective concerns with regard to assistance and protection to internally displaced persons and discussing appropriate responses. However, the Representative is of the opinion that these initiatives need stronger institutional support from all partners to be more effective.

10 Seeking durable solutions to the conflict

Finally, while responding to the immediate protection and assistance needs of the internally displaced is pressing, it must be underscored that, in many instances, the root causes of the conflicts resulting in internal displacement are the acute disparities associated with diversities, the marginalization, underdevelopment and lack of capacity for local governance in the disadvantaged region. These deep-seated causes must also be addressed. The ultimate objective should be to create a national framework which accommodates all groups in the country and ensures the dignity of all peoples irrespective of race, ethnicity or religion.



The Representative witnessed a significant degree of willingness on both sides in the conflict to continue their efforts towards a peaceful resolution of the conflict. At the same time, there was clearly a need to promote national awareness of the root causes of the conflict in Mindanao in order to achieve a just, comprehensive and sustainable peace.

THE UNITED NATIONS GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

SECTION I

GENERAL PRINCIPLES

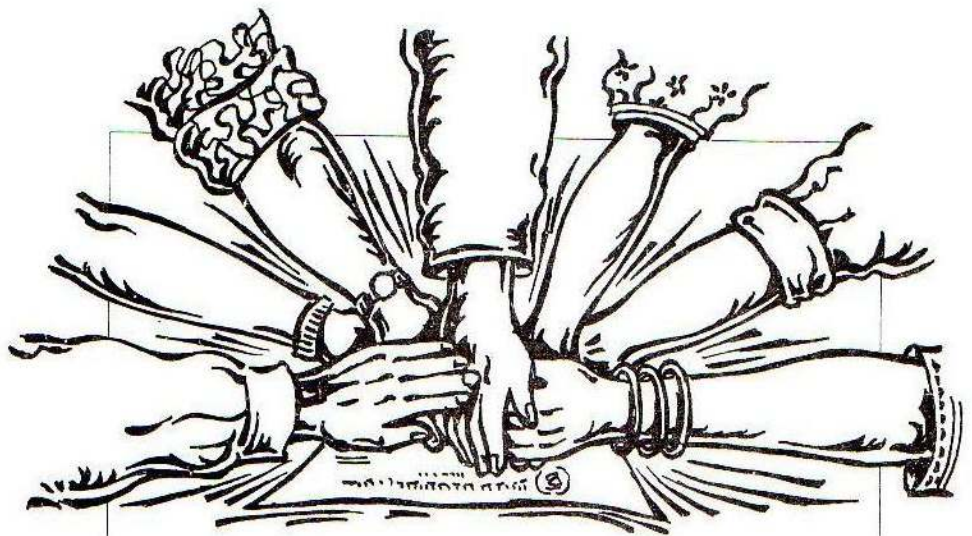
Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

*INTERNALLY
displaced persons
shall enjoy, in
full equality, the
same rights and
freedoms under
international and
domestic law as
do other persons
in their country.*

Principle 2

1. These Principles shall be observed by all authorities, groups, and persons irrespective of



their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups, or persons involved.

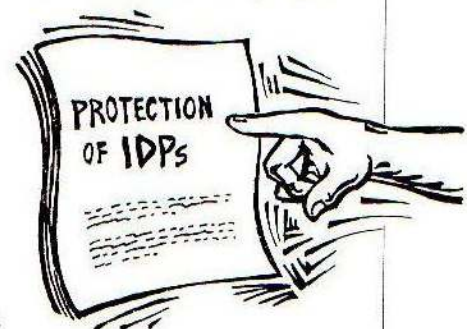
2. These Principles shall not be interpreted as restricting, modifying, or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

- 1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.



SECTION II

PRINCIPLES RELATING TO PROTECTION FROM DISPLACEMENT

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in

all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.

2. The prohibition of arbitrary displacement includes displacement:

*EVERY
person shall
be protected
from
arbitrarily
displacement
from home
or place of
habitual
residence.*

a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;

b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;

c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;

d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and

- e) When it is used as a collective punishment.
- 3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:



- a) A specific decision shall be taken by a State authority empowered by law to order such measures;
- b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
- c) The free and informed consent of those to be displaced shall be sought;
- d) The authorities concerned shall endeavor to involve those affected, particularly women, in the planning and management of their relocation;
- e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
- f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

DISPLACEMENT shall not in any manner violate the rights to life, dignity, liberty and security of those affected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.



SECTION III

PRINCIPLES RELATING TO PROTECTION DURING DISPLACEMENT

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - a) Genocide;
 - b) Murder;
 - c) Summary or arbitrary executions; and
 - d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
 - a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
 - b) Starvation as a method of combat;
 - c) Their use to shield military objectives from attack or to shield, favor or impede military operations;
 - d) Attacks against their camps or settlements; and
 - e) The use of anti-personnel land-mines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not



their liberty has been restricted, shall be protected in particular against:

- a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
- b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labor of children; and
- c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- a) The right to seek safety in another part of the country;



- b) The right to leave their country;
- c) The right to seek asylum in another country; and
- d) The right to be protected against forcible return to resettlement in any place where their life, safety, liberty, and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavor to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavor to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

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Principle 17



1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

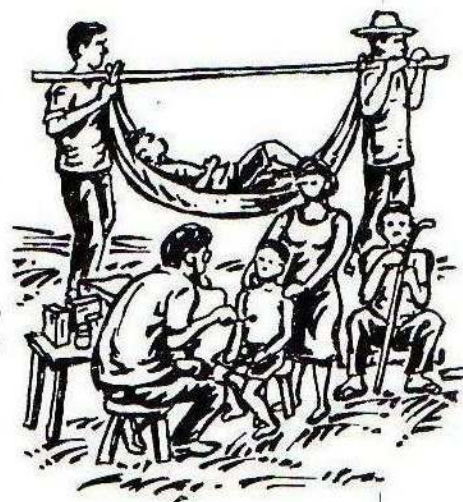
Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

- a) Essential food and potable water;
- b) Basic shelter and housing;
- c) Appropriate clothing; and
- d) Essential medical services and sanitation. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care, providers and services, such as reproductive health care as well as appropriate counseling for victims of sexual and other abuses.



3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

AUTHORITIES concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates.

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right

to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - a) Pillage;
 - b) Direct or indiscriminate attacks or other acts of violence;
 - c) Being used to shield military operations or objectives;
 - d) Being made the object of reprisal; and
 - e) Being destroyed or appropriated as a form of collective punishment. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.



Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against

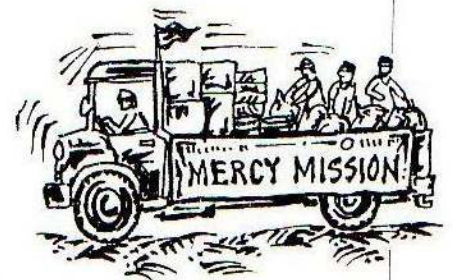
as a result of their displacement in the enjoyment of the following rights:

- a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
- b) The right to seek freely opportunities for employment and to participate in economic activities;
- c) The rights to associate freely and participate equally in community affairs
- d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
- e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational program.
4. Education and training facilities shall be made available to internally displaced persons, in particular

adolescents and women, whether or not living in camps, as soon as conditions permit.



SECTION IV

PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lie with national authorities.
2. International humanitarian organizations and other appropriate factors have the right to offer their

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services in support of the internally displaced. Such an offer shall not be arbitrarily regarded as an unfriendly act or interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection of the needs and human rights of the internally displaced persons and take appropriate measures in this regard. In so doing,

these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

SECTION V

PRINCIPLES RELATING TO RETURN, RESETTLEMENT AND REINTEGRATION



Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and



possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

REFERENCES

1. United Nations Guiding Principles on Internal Displacement
2. Handbook for Applying the United Nations Guiding Principles on Internal Displacement
3. Human Rights and Refugees, UN Fact Sheet No. 20
4. Final Report, Training Workshop on the Guiding Principles on Internal Displacement by the Ecumenical Commission on Displaced Families and Communities (ECDFC), 1998
5. World Refugee Survey (1999)
6. Balitang Balay, Vol. VIII, Jan-July 2000
7. Human Rights Forum, Vol. III No. 2, 1993
8. Human Rights Forum, Vol. VI No. 2, Jan-June 1997
9. Philippine Human Rights Update (PHRU), Task Force Detainees of the Philippines (TFDP)
10. Farm News and Views, Philippine Peasant Institute May-June 1999
11. Inquirer, May 1999
12. Legal Protection of Internally Displaced Persons, Atty. Rene V. Sarmiento, November 2000
13. Profiles in Displacement: Philippines, Report of the Representative of the Secretary-General on Internally Displaced Persons, 2003



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