



Living in the shadows

Displaced Lumads locked in a cycle of poverty

Philippines 

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August 2013

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Cover photo: Woman of the Mangayan tribe displaced since 2007 from her village in Montevista municipality, Compostela Valley and unable to return due to persistent insecurity caused by regular government-NPA clashes. May 2012. Frederik Kok

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Executive Summary

Background

The conflict between the government and the New People's Army (NPA), the armed wing of the Communist Party of the Philippines, is one of the world's longest-running. It continues to attract little national or international attention. Peace talks, resumed in 2011, have so far progressed very little as neither party appears willing to make any concessions. The effects of the conflict are felt throughout the country, but they are particularly strong in eastern Mindanao, one of the NPA's stronghold. Inhabitants are regularly displaced by armed clashes but also by the militarisation of their communities as the army consolidates its presence in the region. There are reports of violations of a number of human rights and of international humanitarian law (IHL). These include indiscriminate bombardments, the use of schools as barracks and command centres, harassment, threats, forced labour, restricted freedom of movement and extra-judicial killings that are contributing to a climate of fear and insecurity and leading to displacements.

The conflict is reported to have claimed the lives of an estimated 40,000 people – some 30,000 since 1978 according to government data. The precise number of people displaced by the conflict and its effects is unknown. Drawing on available data, this study estimates that around 44,000 people were displaced between 2008 and 2012 in some 85 incidents affecting 12 provinces in eastern Mindanao alone. The two most displacement-affected regions are the north-eastern Caraga region, which accounts for 38 per cent of all displacements, and the Davao region where 35 per cent of all displacements were recorded. Most of the displacements tend to be short-term with people returning home within a few days or weeks. On average these incidents displace around 500 people who usually move to the closest safest place, often the centre of the barangay – the lowest administrative tier of government in the Philippines – or the municipality centre.

Those displaced by the conflict are mainly indigenous people (called Lumads in Mindanao) who live in remote, mountainous areas. Many of the NPA fighters are also Lumads recruited locally. As a result the military tend to perceive and suspect Lumads of predominantly being NPA insurgents or supporters. As part of its counterinsurgency strategy the army is also encouraging Lumad communities to form or join civil defence militias or paramilitary groups to help fight the NPA. Caught between the two warring parties, the Lumads are exposed to high

levels of violence and are at risk of abuses by both sides. Many communities are split between those who support the NPA and those who seek government protection. Unsurprisingly these divisions often tend to overlap with people's perceptions of the land, their primary mode of production. Those who consider their ancestral domains to be under threat by natural resource extraction projects targeting their land, such as mining or logging tend to align with the NPA, and those who see these companies as welcome opportunities to lift their communities out of poverty tend to side with the army.

Impact of displacement

The survey conducted by IDMC and Balay Rehabilitation Center showed that displacement caused by the armed conflict is a major driver of vulnerability for the affected communities. It results in increased levels of poverty, reducing already limited access to basic services and creating high levels of fear and uncertainties that undermine long-term and sustainable development. It also diminishes their coping capacity. Impoverished, these communities risk becoming more vulnerable to being drawn into the conflict due to recruitment by one side or the other which take advantage of their marginalisation and lack of economic and education opportunities. Multiple displacements contribute to undermining the resilience of the communities and their capacity to absorb external shocks caused not only by the conflict but also by natural disasters.

Key findings

Already living on the edge of subsistence, most communities struggle to cope with their repeated dislocations and the accumulated effects of property loss or damage and income decline. Although, people do not usually stay away from their homes for long periods, displacement often tends to be repetitive with some communities displaced several times per year. Nearly half of the respondents consider that displacement has a negative impact on their livelihoods as they are prevented from tilling their farmlands, their primary source of livelihood and income. Returnee's access to their farmlands is further constrained by post-return movement restrictions which represent a further impediment to the restoration of their livelihoods and income. Though military-imposed restrictions are often only tem-



Residents voluntarily evacuate their homes in Sitio Kabayawa, Barangay Poblacion in the town of Carmen in Agusan del Norte province amid a clash between the military and communist rebels on 15 March 2013. (Photo: Erwin Mascarin, March 2013)

porary, many communities continue to limit their time working on their farms due to security concerns.

While the basic needs of IDPs during displacement are generally addressed by local authorities and central government agencies, assistance tends to be short-term and often inadequate. In most cases, assistance consists mainly of food rations and sometimes non-food items and health care provided by local governments and NGOs. Food quantities were considered insufficient across all surveyed sites and often only enough for one meal per day.

Insufficient support and fear for their property left behind were significant drivers for IDPs' return. Upon return, a third reported having found their property and crops stolen or damaged with no compensation offered. In most cases, no assistance was provided to help returnees sustain their food needs upon return, re-establish their livelihoods or to compensate for the loss of personal belongings or productive assets.

Persistent insecurity and the constant risk of displacement is the main obstacle to durable solutions. Nearly half consider that their communities were not safe and the majority believed that in the 12 months preceding the survey, security conditions had deteriorated. Half

report insecurity prevents them from accessing their daily food, water and firewood needs. Insecurity exerts a heavy psychological toll on communities which remain in a state of constant alarm and stress. Almost all informants say they are constantly worried about recurrence of violence and displacement.

The main security risk faced by returnees is associated with the suspicion by the military that members of communities designated as "NPA areas" are members or supporters of the NPA. Those who refuse to join defense militias and paramilitary groups are often suspected of NPA sympathies. Many communities are divided between those who support the NPA and those who seek government protection. Conflict and tension within the community is reported as a significant source of insecurity and violence.

For the majority, solving the conflict entails addressing the root causes of the conflict, including reducing poverty, increasing food security and supporting their livelihoods and education for their children. Many would like both the military and the NPA to stop visiting their communities and to take their fights elsewhere. Some suggested declaring their ancestral domains as zones of peace.

Inadequate response to displacement and human rights violations

In many respects, the Philippine legal and institutional framework is among the most advanced when it comes to the protection of its indigenous population, including from the threat of forced displacement.

The key piece of legislation, the 1997 Indigenous Peoples Rights Act (IPRA) guarantees the rights of indigenous people to ancestral domain and land, including the right to be protected from involuntary displacement, the right to be properly resettled and assisted in case of natural disasters and the right to return. The Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) signed one year later by both the government and the NDF has specific provisions to protect civilians against threats posed by conflict, including forced displacement.

In recent years, the government has developed landmark legislation to protect its citizen against displacement risks arising from natural and man-made disasters. The *Philippine National Disaster Risk Reduction and Management Act of 2010* (PDRRM-2010), aims to strengthen risk reduction management of disasters. In February 2013, an IDP Act was approved by Congress but vetoed by the President three months later. This would have recognised the rights to protection and assistance of all IDPs, whether displaced by conflict, natural disasters or by the “aggressive implementation of development projects”.

The legal framework and legal obligations are clear, but the key constraint is poor government compliance. There is often a significant gap between the laws and their implementation. This is often the result of poor governance, lack of accountability, insufficient resources and lack of political will, in particular at the local level. It is to be hoped that the IDP Act will pass into law as it would potentially help address many of the current shortcomings in the response, including by clarifying responsibility and strengthening coordination between actors and ensuring that effective policies are designed to address the needs and rights of IDPs in line with international standards such as the UN Guiding Principles on Internal Displacement.

Both sides need to resume formal peace talks so as to give indigenous people and other groups affected by the conflict a chance for peace but also an opportunity to lift themselves out of poverty and marginalisation.

There is also a need for assistance and development interventions in areas both affected by the armed conflict and the Bopha/Pablo typhoon disaster. It is vital to recognise the link between disaster and conflict and respond to these in a coherent integrated manner. Ensuring that re-

covery and prevention programming, such as disaster risk reduction activities, are conflict-sensitive will help avoid worsening tensions and may lead to opportunities to reduce the conflict and facilitate the transition to peace.

Recommendations

To the government and relevant line agencies

- The government, through the Department of Social Welfare and Development (DSWD), should make more efforts to gather data on the problem of internal displacement caused by the government-NPA conflict so as to obtain a clearer picture of the numbers, needs and conditions of IDPs. This is essential to design effective policies to address their needs and rights. Data should include all IDPs, whether they are in camps, staying with host families or in other settlements. It should be disaggregated by key indicators, such as age, gender, ethnic group so as to enable the needs of specific and vulnerable groups to be adequately addressed.
- Training on the rights of IDPs, as spelled out in the *UN Guiding Principles on Internal Displacement*, should be carried out in order to ensure that government officials in charge of assisting and protecting IDPs, in particular those at the local level who are in direct contact with the displaced, are fully aware of their responsibility. Trainings should target all actors that play a key role in IDP protection and assistance during all phases of displacement, including the military, government official at the provincial, municipal and barangay level, the Commission on Human Rights and lawmakers. IDPs and their representatives should also be included so as to ensure they are aware of their rights.
- The government should resume formal peace talks so as to find a political settlement. It should work with the CPP/NDF/NPA to reactivate the Joint Monitoring Committee (JMC) so as to allow violations of human rights and international humanitarian law (IHL) to be monitored, reported and investigated. Both sides should also implement the 1998 *Joint Agreement in Support of Socio-Economic Projects of Private Development Organizations and Institutes*, an initiative to bring peace and foster development in conflict-affected areas.
- The government has the duty to protect property and possessions left behind by the displaced against destruction and illegal appropriation, occupation or use. It should also assist IDPs with recovery of their lost properties and possessions or provide appropriate compensation or other forms of fair reparation.
- If returnees are prevented, for security reasons, from fully accessing their farming land they should be provided with sufficient food or cash to compensate for losses incurred by their inability to attend to their crops and thereby earn a living. Restrictions on freedom of movement are only acceptable when provided by law

or necessary to protect national security, public order, public health or the rights and freedoms of others.

- The government should work towards addressing the main socio-economic concerns of indigenous communities, in particular as these relate to food and livelihood needs but also access to basic services. This would increase these communities' resilience and their capacity to absorb external shocks caused by conflict and natural disasters. It would also better protect them from the risks of displacement and during displacement.
- The government and its partners should prioritise community-driven participatory development approaches that contribute to the empowerment of displaced indigenous communities by improving the delivery of basic services, enhancing livelihood opportunities and strengthening the protection and development of their ancestral domains as well as their traditional governance system. These programmes should be conflict-sensitive so as to help address drivers of conflict linked both to the NPA insurgency and tension around land access and management.
- There is a need to strengthen community-based protection networks and response mechanism to empower communities at recurrent risk of displacement so as to strengthen their coping capacities amidst conflict and displacement. The government can do this by engaging community representatives in contingency planning and providing information that will assist communities to better prepare for the possibility of displacement.
- The government should establish an independent commission to assess the psycho-social impact of the conflict and recurrent displacement on these communities, in particular on the most vulnerable, women, children and the elderly.
- The government should extend an invitation to the UN Special Rapporteur on the human rights of indigenous people to assess the human rights situation of indigenous people in the Philippines and to work together with the government to address specific cases of alleged violations in line with international standards.

To the Philippine Congress

- The government and the Congress should work together to immediately renew efforts to develop legislation to better protect the rights of IDPs in accordance with international standards, particularly the *UN Guiding Principles on Internal Displacement*.

To the Armed Forces of the Philippines (AFP)

- The military should regulate their entry to Lumad communities so as to ease the level of fear and uncertainty

among its members and reduce the likelihood of displacement due to armed clashes and militarisation. In particular, the military should refrain from setting up camps within the communities or using civilian and public structures such as schools as barracks or command centres. It should also get the consent of the indigenous community through the FPIC before entering ancestral domain territories, as stipulated by the FPIC guidelines. Ancestral domain territories should be declared as zones of peace.

- The government should review its policy to recruit civilians into paramilitary forces in support of its counter-insurgency strategy. Members of indigenous communities should not be encouraged to take part in community defense forces such as the Barangay Defense Forces (BDS) or the Barangay Peacekeeping Action Team (BPAT). Children in particular should not be allowed to take part in the hostilities and should not be targeted for recruitment.
- The military should not impose limitations on the movement of people during military operations. Civilians have the right to be protected against dangers and threats posed by the conflict and the presence of armed groups, including the military and civilian militias. They should not be prevented from seeking protection including by leaving their homes.
- The government should carry out training and information campaigns for its security forces on the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARH/IHL) agreement and legal frameworks to protect the rights of indigenous populations from the effects of the armed conflict, including forced displacement and other threats to their physical and territorial integrity.

To the New People's Army (NPA)

- The CPP/NDF/NPA should resume formal peace talks so as to find a political settlement. It should work with the government to reactivate the Joint Monitoring Committee (JMC) so as to allow violations of human rights and international humanitarian law (IHL) to be monitored, reported and investigated. Both sides should also implement the 1998 *Joint Agreement in Support of Socio-Economic Projects of Private Development Organizations and Institutes*, an initiative to bring peace and foster development in conflict-affected areas.
- The NPA should immediately put an end to unlawful killings and it should cease activities that endanger the security and well-being of civilians and put them at risk of displacement.
- Children should not be allowed to take part in the hostilities and should not be targeted for recruitment.
- The New People's Army should not interfere in community-based development programmes that aim at

raising standards of living and livelihood opportunities of communities living in conflict-affected areas.

To local government units (LGUs)

- Consultations and dialogues should be held under the framework of Local Peace and Order Councils between the military, local government officials and communities at risk of recurrent displacement so as to enable affected communities to voice their concerns about the conflict and how it impacts them.
- The LGUs and the military should acknowledge the concerns of communities affected by displacement by signing Memorandums of Agreement (MOAs) which would also formalising their commitment to principles and rules guaranteed by national laws, agreements such as the CARHIHL and international human rights and international humanitarian law standards.
- Local governments should set up effective early warning mechanisms so as to detect security threats which may lead to displacement and enable proper communication and coordination with the affected community so as to ensure its members can proceed with a timely and safe evacuation.
- The government, through relevant government agencies and local government units, must ensure that adequate assistance and protection is provided to IDPs while they are displaced. IDPs must receive adequate food and non-food assistance during displacement and also during their return so as to ensure that their reintegration can be facilitated. A lack of resources should not be grounds for denying or stopping assistance or for encouraging the displaced to return home.
- More efforts are needed to encourage and facilitate the participation of IDPs in the planning and implementation of policies and programs that address their needs and protect their rights during all phases of displacement but in particular during return and reintegration. In localities where Lumad exist, LGUs should ensure participation of Lumad sectoral representative in various development councils as mandated by law.
- Peace and Order Councils in the regions affected by the armed conflict should set up a permanent IDP Taskforce to oversee displacement matters and ensure that the response adequately responds to the needs of the displaced and is in line with international standards.
- LGUs should facilitate the settlement of people at risk of recurrent displacement closer to the barangay centre, or to other safe areas, while also ensuring that they can maintain access to their land or other sources of livelihoods. Their right to return to their original homes should be also be guaranteed.



Abbreviations

ADSDPP	Ancestral Domain Sustainable Development and Protection Plan
AFP	Armed Forces of the Philippines
BDS	Barangay Defence System
BPAT	Barangay Peacekeeping Action Team
CADT	Certificate of Ancestral Domain Title
CALT	Certificate of Ancestral Land Title
CAFGU	Citizen Armed Force Geographical Unit
CARHRIHL	Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law
CBD	Community-based development programmes
CBFM	Community-Based Forest Agreement
COSERAM	Conflict-sensitive Resource and Asset Management program (COSERAM)
CPP	Communist Party of the Philippines
CVO	Civilian Volunteer Organisation
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resource
DILG	Department of the Interior and Local Government
DSWD	Department of Social Welfare and Development
FGD	Focus Group Discussion
FPIC	Free and Prior Informed Consent
GIZ	German Agency for International Development
IPRA	Indigenous Peoples Rights Act
ISF	Integrated Social Forestry
ISO	Internal Security Operations
IPs/ICCs	Indigenous People/Indigenous Cultural Communities
IPSP	Internal Peace and Security Plan
KASALO	Kahugpungan sa Lumadnong Org'n
KBP	Kalayaan sa Barangay
LGU	Local Government Unit
NCIP	National Commission on Indigenous People
NEDA	National Economic and Development Authority
NPA	New People's Army
NDF	National Democratic Front
OBL	Oplan Bantay Laya
OCD	Office of Civil Defence
OPAPP	Office of the Presidential Adviser on the Peace Process
PNP	Philippine National Police
RPOC	Regional Peace and Order Council
SCAAs	Special Civilian Armed Forces Geographical Units

1

Introduction

In recent years, much of the attention paid to internal displacement in Mindanao has focused on central and western Mindanao. This displacement is primarily the result of prolonged conflict between Muslim rebels groups – in particular the Moro Islamic Liberation Front (MILF) – and the government. The conflict, often described as a contestation between groups of indigenous people, known as the Bangsamoro, and non-native newcomers to the region, has claimed the lives of an estimated 150,000 people in the last four decades and displaced millions. Progress towards a final resolution of this conflict appears on track.

However, no comparable progress has been made towards ending the 46-year old conflict between the government and the New People's Army (NPA) the military wing of the Communist Party of the Philippines (CPP). Peace talks continue to be mired by half-hearted efforts on both sides and a perception that neither party is willing to make concessions. The government's security forces and the NPA continue to clash regularly, in particular in eastern and northern Mindanao where the conflict exacts a heavy toll on the mainly indigenous civilian population. Unlike the Bangsamoro conflict, the NPA insurgency attracts little attention, despite being one of the longest running conflicts in the world and despite its ongoing impact on the civilian population. This is partly due to the fact that most of the violence and most of the suffering caused to civilians, including regular displacements, take place in remote areas and remain under-reported.

The armed conflict is not the only displacement threat indigenous people in Mindanao – commonly referred to as Lumad – are exposed to. Their land and human rights are also under attack as outsiders seek to exploit their abundant natural resources: Mindanao is thought to hold the country's largest reserves of nickel, copper and gold.¹ Resistance to natural resource extraction projects is sometimes met with violence. Many indigenous people are forcibly evicted, particularly those who lack ancestral land titles or other proof of ownership of land and resources. Tension and conflict over land access and management add another dimension to the violence and may be fuelling the armed conflict and increasing NPA recruitments.

Natural disasters, in particular flooding, are another major and frequent cause of displacement in the region. On 4 December 2012, Typhoon Bopha (locally referred to as Pablo) struck Mindanao, forcing close to a million of the

6.2 million people impacted to evacuate their homes.² The typhoon's high wind speed and flooding caused extensive damage, with over 235,000 homes destroyed or damaged and further destruction of public infrastructure.³ The eastern part of the island bore the brunt of the casualties and damage, with indigenous communities particularly affected. As elsewhere in Mindanao, deforestation due to logging, mining, and the extensive cultivation of banana plantations in mountainous areas increased poor communities' vulnerability to flash floods and landslides.⁴

Even before their displacement most Lumad people, including former IDPs studied in this report, lived in remote, poor and marginalised areas where the unstable security situation has been hampering development efforts. As a result many Lumad communities struggle to cope with the economic and social consequences of their repeated displacement. They are unable to build up any assets that would sustain them in times of crisis and remain in a constant state of alarm and uncertainty about their futures.

The right of indigenous people not to be displaced from their land is guaranteed by Filipino law, in particular the 1997 *Indigenous People Rights Act* (IPRA), and also by the *Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law* (CARHRIHL), an accord signed by the government and the NPA in 1998.⁵ As long as counter-insurgency operations continue to target indigenous communities and IPRA and CARHRIHL are not effectively enforced, these communities will continue to be locked in a cycle of regular displacement to escape conflict and violence.

In this report IDMC aims to assess the impact of multiple displacements caused by the government-NPA conflict on Lumad communities in eastern Mindanao, identify the main obstacles to sustainable return and recovery and make policy recommendations to address these. The study also sought to assess the extent to which communities previously affected by the conflict are more vulnerable to the effects of the disaster as a result of previous loss of assets and physical isolation and socio-economic marginalisation.

2 Research questions and objective

This report is based on a primary research collected during field visits in Manila and eastern Mindanao in 2012 and 2013 among five returned communities in eastern Mindanao (see appendix for details) and a desk review.

A quantitative survey was carried out between October and December 2012 that sought to map out the specific assistance, protection and recovery needs of these returnees, including the main obstacles to durable solutions. Respondents were also asked to share their perceptions of the root causes of the conflict and displacement and how to best address or mitigate these. One of the objectives of the study was to assess the extent to which these communities had sufficient tenure security to enable them to restore their access to land and associated livelihoods upon return. The other objective was to establish whether and to what extent this access was constrained by restrictions on their freedom of movement. In communities where the territory is part of an ancestral domain⁶, the survey sought to assess whether the existing legal framework and related mechanisms aimed at protecting indigenous people's rights – IPRA and the Free and Informed Prior Consent (FPIC)⁷ - effectively safeguarded tenure rights. The questionnaires also sought to gauge respondent's level of awareness and understanding of these mechanisms and perceptions of their effectiveness.

3 Background to the government-NPA conflict

1. The CPP/NDF/NPA 'protracted people's war'

The NPA, the armed wing of the Communist Party of the Philippines (CPP)⁸, was founded in December 1968. Condemning the 'semicolonial and semifeudal' character of Philippine society, the CPP seeks a 'national democratic revolution' that would include land reform. The CPP aims to achieve this by building a mass movement that would lead to a popular uprising. The CPP sees local communities as indispensable allies in forging 'mass campaigns' to achieve land reform, health, education and other welfare objectives.

From 1989 to 1994, the government's counter-insurgency operations – dubbed Oplan Lambert Bitag I, II and III – significantly weakened the NPA. In 2002, the government launched a five-year national counter-insurgency plan, Oplan Bantay Laya (OBL) which was extended five years later as OBL II in an effort to crush the NPA. From an estimated 12,000 fighters in the mid-1980s, the number of NPA fighters has been significantly reduced. According to the military, the total number of NPA fighters in mid-2013 was just over 4,000 down from 4,384 at the beginning of 2011.⁹

It is estimated that the 46-year-old conflict between the government and the CPP/NDF/NPA has resulted in the death of more than 40,000 people.¹⁰ According to government data collected between 1978 and 2010, almost half of the casualties were NPA, close to one third were military and police, and a fifth were civilians.¹¹

In October 2010 the Aquino government decided to revive peace talks moribund since 2004. Norwegian-brokered talks commenced in Oslo in February 2011. The outcome was an 18-months timeframe to successively complete three agreements namely, the *Comprehensive Agreement on Socio-Economic Reforms*, the *Comprehensive Agreement on Political and Constitutional Reforms* and the *Comprehensive Agreement on end of Hostilities and Disposition of Forces*. Both parties expressed the hope of reaching a final peace agreement within the first three years of Aquino's administration.

Since then, however, peace talks have again stalled.¹² Attempts to revive the peace talks in June 2012 made little progress but both parties did agree to consider implementing the *Joint Agreement in Support of Socio-Economic Projects of Private Development Organizations and*

Institutes, an initiative to bring peace and development in conflict-affected areas which was signed in 1998 but never implemented.

At the end of April 2013, the government announced it was no longer willing to pursue formal peace talks with the CPP-NDF-NPA and was instead considering “new approaches” to resolve the conflict. These would be informed by consultations to be held by the government with various stakeholders across the country in the coming months.¹³ While consultations, in particular with the civil society and new ideas, such as the zones of peace mentioned by the Presidential Adviser on the Peace Process, Teresita Quintos Deles, are certainly welcome there are also risks that the breakdown of formal peace talks could lead to an intensification of military activities on both sides accompanied by an increase of state peace and development programmes. These are part of the government’s Internal Peace and Security Plan (IPSP), which seeks to win the hearts and minds of people living in conflict-affected areas through social programmes, while increasing armed conflict to military defeat the insurgents.¹⁴ This may result in further displacements.

In July 2013, the Chief of Staff of the Armed Forces of the Philippines (AFP) reported that during the first six months of 2013 the NPA carried out 173 attacks on the AFP compared to 162 during the first semester of 2012. During the same period, the AFP increased its “engagements” with the NPA to 350, up from 312 during the same period in 2012.¹⁵ Of these, 252 took place in eastern Mindanao the geographical focus for the AFP’s Internal Peace and Security Plan (IPSP).¹⁶

2. Indigenous communities in East Mindanao: battleground between the AFP and the NPA

Around 1,300 NPA fighters, or one third of the NPA’s force, are believed to be in Mindanao, mainly operating in remote and mountainous areas of eastern Mindanao inhabited by indigenous people. The Caraga and Davao regions are two known NPA strongholds.¹⁷ The NPA is believed to have a particularly strong presence in the provinces of Agusan del Sur, Surigao del Sur and Compostela Valley, areas where many mining, logging and plantations projects operate. It is also active in a number of other provinces in eastern Mindanao. The military maintain a strong presence in both regions.

Civilians, in particular Lumads, are caught in the middle of the government-NPA conflict and are subject to considerable pressure by both sides. Both the AFP and the NPA try to win the hearts and minds of communities by providing ‘protection’ and offering to fill gaps in

the provision of health, agriculture and other services. They are also strongly encouraged to join one side or the other. In 2007, the Catholic Church voiced concern over the “systematic” recruitment of Lumads by the NPA and state-affiliated or state-tolerated paramilitary groups, particularly in areas of interest to logging, agribusiness, energy and extractive industries, noting that this caused divisions with Lumad communities¹⁸.

In addition to regular AFP forces, a number of paramilitary counter-insurgency groups have been deployed in Lumad areas. These include Civilian Armed Forces Geographical Units (CAFGUs)¹⁹, Civilian Volunteer Organisations (CVOs)²⁰, Bantay Bayan Purok and village patrols in every barangay known as Barangay Defence System (BDS). Additional Lumad militias reportedly set up by the military include those known as LUPACA Bagani warriors, BULIF, the Wild Dogs, the National Indigenous People’s Army Reform (NIPAR), the Blackfighters and the Task Force Gantakan-Bagani Force (TFG-BF). Several of these groups have been responsible for violence and displacement. According to indigenous anti-mining activists the TFG-BF has been responsible for numerous human rights abuses against suspected NPA supporters but also against tribal leaders opposed to natural resource extraction projects in their territories in North Cotabato.²¹

In Bukidnon, some 43 families of the Matigsalog tribe were forced to flee their homes in March 2012 in Dao, San Fernando, following the killing of their village leader by NIPAR. According to the displaced and church groups assisting them, their leader was killed because he opposed large-scale mining in the area.²² An additional 35 families fled further harassment by NIPAR in August 2012.²³ In the Davao region, the military have tried to recruit Lumads into paramilitary groups through the *Alsa Lumads’* (Lumads Arise) campaign. Those who resist recruitment pressures may be suspected of supporting the NPA. These initiatives have been widely criticised for leading to an increase in violence in conflict-affected barangays and deepening divisions within indigenous communities.²⁴

There are also strong economic incentives for joining the AFP or the militias as the wages provided, though lower than the national average income²⁵, are an irresistible attraction for many poor Lumads. According to the Indigenous People Rights Monitor (IPRM)²⁶, poverty and the lack of livelihood opportunities are major incentives for members of the Ata-Manobos tribe in Dalagdag, Paquibato, to join militias fighting the NPA. As a tribal leader reported, “the main reason for joining the CAFGUs is really to earn, not to fight.”²⁷

Support for the NPA in indigenous communities is far from unanimous: many Lumads have also been victims

of NPA killings and retribution for being “enemies of the people”. Lumads seen as actively cooperating with the government, in particular those leaders who join military-backed militias, are considered legitimate targets by the NPA and risk being killed or executed. According to the Confederation of Lumad Organizations in Southern Mindanao (PASAKA), indigenous people who are members of the anti-communist Southern Tribal Council for Peace and Development (STCPD) are particularly at risk of harassment and extra-judicial killing by the NPA. The use of Lumads in paramilitary groups has been a major source of tribal and clan conflict.²⁸

military operations which are causing displacements in Lumad communities are often more about clearing the way for these enterprises by suppressing resistance against them than they are really about fighting the NPA.³⁴

3. To fight the NPA or protect business interests?

The government's counter-insurgency campaign has been criticised by a number of external observers for failing, at times, to clearly distinguish between military and civilian targets and for including as “enemies of the State” left wing activists or people opposed to mining who are often assumed of being NPA supporters.²⁹

Government's efforts to protect commercial interests against attacks or extortion by the NPA have resulted in an increased presence of armed groups in Lumad territories further contributing to an already volatile environment. In October 2011, President Aquino approved a proposal by the military to deploy Special Civilian Armed Forces Geographical Units (SCAAs)³⁰ to augment the private security forces of mining companies. SCAAs are to be trained by the military with mining companies or agro-business companies paying their salaries. They are also deployed in counter-insurgency activities against the NPA. In areas affected by the conflict, mining often adds another layer of tension and violence and increases the risk of displacement for Lumad communities.³¹ In February 2013, some 50 members of the B'laan tribe fled their homes near the town of Tampakan, South Cotabato, due to an armed clash between the military and a tribal armed group.³² The displaced were assisted by the church in Koronadal City where they sought refuge. In recent years, the area has been rife with tension due the armed opposition from some B'laan groups to a mining project by Sagittarius Mines Incorporated (SMI) which seeks to exploit the largest known undeveloped copper and gold minefield in Southeast Asia. Since January 2013, the military have stepped up their military operations in the area of the mines of SMI due to the reported presence of NPA forces.³³

For many Lumads, distinguishing between the government's genuine anti-NPA operations and its efforts to actively promote natural resource extraction has become increasingly hard. Many Lumad groups claim that the

4

Displacement due to the government-NPA conflict

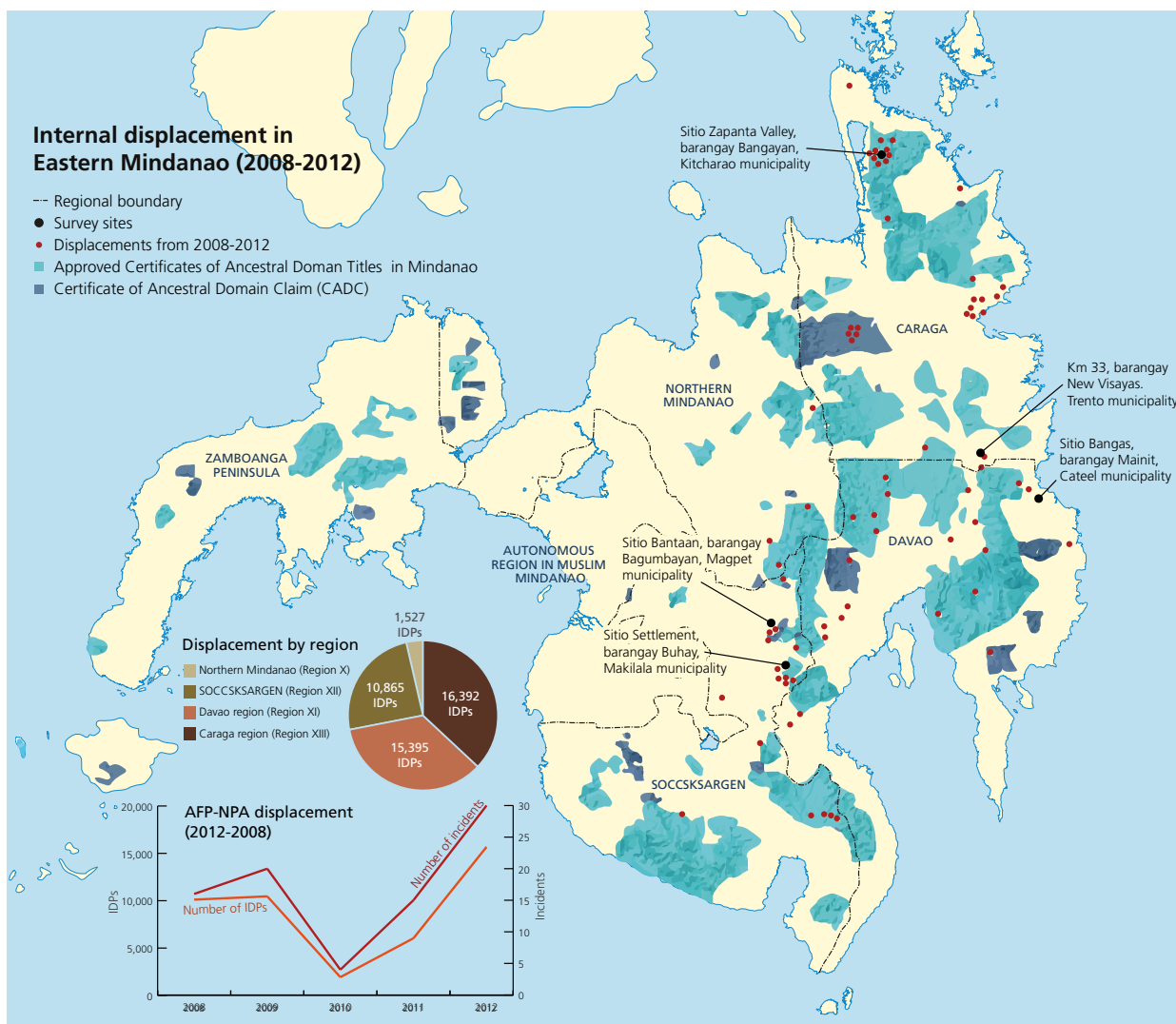
1. Overview of the main triggers and patterns of conflict-related displacement

Displacement is mainly the result of armed clashes between the NPA and the AFP but also sometimes of the militarisation of communities and accompanying violations of international humanitarian law (IHL) and human rights. The five surveyed communities were most frequently displaced by armed clashes between the AFP and the NPA (85 per cent). This was followed by militarisation (11 per cent), clan fighting (four per cent), NPA presence (one per cent) and other forms of violence (one per cent).

Militarisation often accompanied military operations leading to armed clashes. In Sitio Zapanta Valley, displacement in November 2012 was triggered by an armed encounter between the AFP and the NPA as well by the presence of soldiers who reportedly set up a camp within the community.³⁵ Members of the community reported they were so used to displacement that they no longer waited for the conflict to erupt. All moved out whenever they saw military forces arrive in their area, even without actual exchange of fire.

All five communities have experienced multiple displacements over the past five years. The average number of displacements was 3.8 during the last five years with

Map: Internal displacement in eastern Mindanao (2008-2012)



significant variations between communities. People from Sitio Zapanta Valley reported having been displaced up to ten times since 2007 while those in Sitio Bangas fled their homes three times. The three other communities had only been displaced twice, most displacements occurring in 2011 and 2012. Over a three-year period (2010-2012), over one third (35 per cent) of the interview respondents had been displaced once, nearly half (47 per cent) had been displaced twice and almost one in five (18 per cent) had fled their homes more than three times.

Most displacements were short-term, with people seeking refuge within their barangay for a few days or weeks before returning home. Fifty-six per cent of informants said their last displacement lasted for less than a week, 32 per cent less than two weeks and only 12 per cent were forced to stay away from their homes for more than a fortnight.

Nine out of ten respondents reported that they stayed within their own barangay. Only six per cent went to another barangay and four per cent to another municipality. The most common places of refuge were schools, barangay halls and other civic structures and tents. Only four per cent reported having stayed with friends.

In Sitio Km33 people mostly stayed at the barangay hall during their two displacements but some, assisted by NGOs, also travelled to a neighbouring barangay. Transport assistance from NGOs was generally required for IDPs to move outside their own barangay. Most seem to have done so in order to find better assistance or to make their plight more visible. In March 2012, IDPs from Sitio

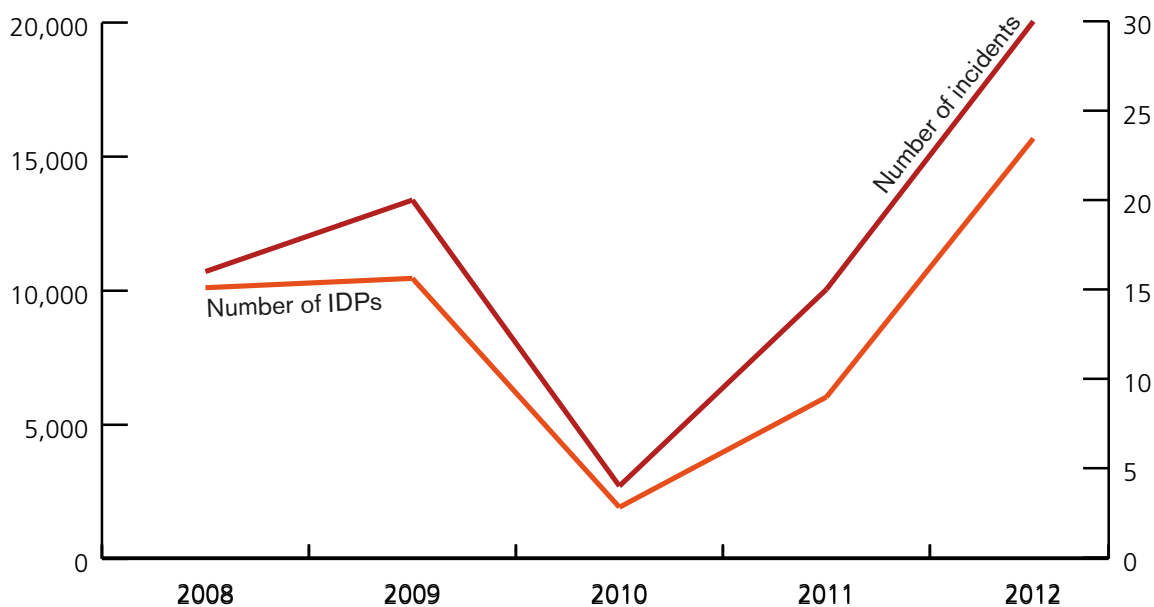
Zapanta Valley, who usually did not move further than the barangay centre, went as far as Butuan city with transport assistance provided by the NGO Kahugpungan sa Lumadnong Org'n (KASALO).³⁶ They were joined by IDPs from mountainous areas of Cadabaran city, also brought by KASALO, and who also fled military operations. According to the Butuan authorities, the displaced had been manipulated by KASALO and other left-wing groups for political purposes and there were no obstacles to their return.³⁷ This was contested by the displaced and indigenous people organisations who contended return was not safe and said they would only go back if the military pulled out completely. This group of IDPs managed to get media attention and the regional and local authorities did take concrete measures to address their needs, including by forming an IDP Task Force (see page 27).

2. Displacement in eastern Mindanao (2008-2012)

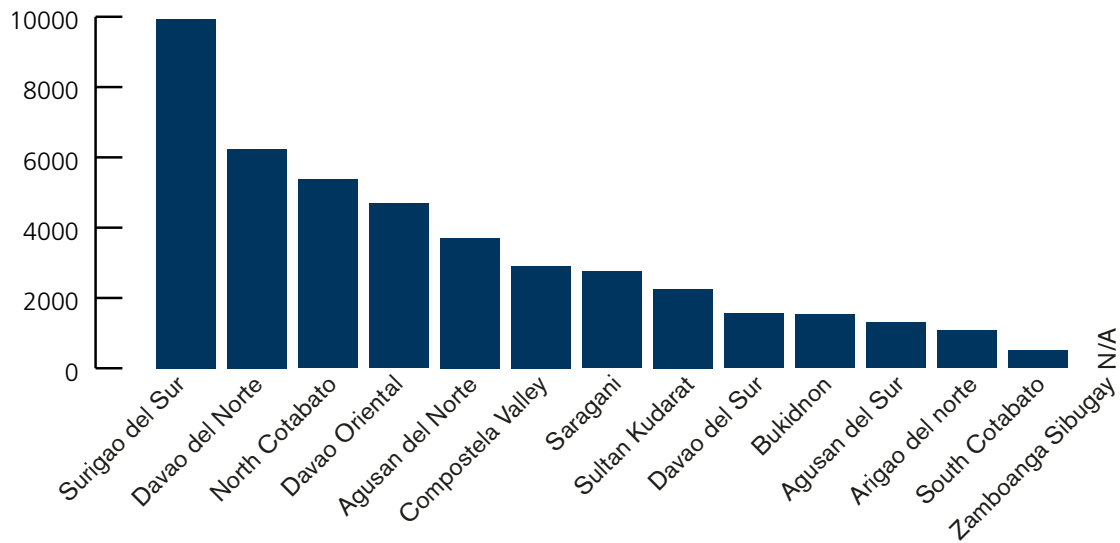
Displacements resulting from AFP-NPA clashes tend to be sporadic and relatively small-scale, often affecting no more than 500 people at any one time. They are dispersed and take place in remote rural communities, and often go unreported. People generally flee together as a community, moving to the closest barangay centre or town where they feel safe and can access assistance. Displacement generally lasts a few days or weeks until the displaced feel safe enough to return or run out of resources.

There are no accurate figures on the number of people who have been displaced in recent years in Mindanao due

AFP-NPA displacement (2008-2012)



Provinces with highest number of IDPs (2008-2012)



to the government-NPA conflict. Based on available data collected from a wide range of national and international actors³⁸ as well as media reports, it is estimated that at least 43,809 people were displaced in eastern Mindanao between 2008 and 2012 in 85 separate incidents. These have affected a total of 116 sitios³⁹ in 12 different provinces.

On average, each incident displaced around 520 people with some annual variations: around 630 in 2008, some 400 in 2011.

Provinces with reported displacement incidents since 2008 are North Cotabato (17), Surigao del Sur (13), Agusan del Norte and Agusan del Sur (nine), Compostela Valley (seven), Davao del Sur and Davao Oriental (six), Davao del Norte, Surigao del Norte and Bukidnon (three), Sultan Kudarat (2) and South Cotabato (one).

The north-eastern Caraga region (Region XIII), consisting of the provinces of Agusan del Norte, Agusan del Sur, Surigao del Norte and Surigao del Sur, had the highest share of IDPs with 16,392 IDPs, or 38 per cent of all IDPs recorded during that period. The Davao region (Region XI), consisting of Compostela Valley, Davao del Norte, Davao Oriental and Davao del Sur, recorded 15,395 IDPs, or 35 per cent of all IDPs. The south-eastern SOCCSK-SARGEN region (Region XII), consisting of North/South Cotabato, Sarangani and Sultan Kudarat provinces, had 10,865 IDPs, or 24 per cent. Only 1,527 IDPs were recorded in northern Mindanao (Region X) all of them displaced in the province of Bukidnon, accounting for three per cent of all displacements.

a. Assistance during displacement

Nearly three-quarters of the respondents in the five communities investigated for this study reported that they had

received some form of assistance during their displacement. Only in Sitio Bangas, did the respondents report not having received any assistance from either the government or from any NGO. Key informants confirmed that the LGU did not release funds to address the needs of the displaced. According to the local tribal leader, the reason for this was the absence of a 'declaration of evacuation' needed to release funds.⁴⁰ Left without any external aid, the displaced were forced to rely on help provided by their relatives and on alternative sources of income.

The government, in particular local authorities, was reported by most respondents to be the main provider of assistance (71 per cent). This was followed by local NGOs (20 per cent), international NGOs/UN agencies (five per cent) and host communities (four per cent). Food was the most common type of assistance, followed by non-food items, health care and water and sanitation.

A common problem across all sites was that food quantities were often inadequate, only enough for one meal per day. This was reported as one the reasons that IDPs were eager to return quickly. One responded said he preferred to return despite the security risks rather than die of starvation. Only one community reported having received assistance upon return. In Sitio Km33 returning families were each provided with six kilos of rice, which was estimated to cover food needs for three or four days. The support provided for returning IDPs took little account of the state of the crops or property that may have been damaged or looted during the period of displacement. Unless support is provided to ensure returning communities are able to recuperate their assets and resume their livelihoods, many face being driven deeper into poverty.

Most respondents reported that those who provided assistance never sought their views on what they would

have preferred. Few believed that those who had provided the assistance had adapted it to their needs. In Sitio Settlement, half of the respondents said that local officials asked for their views on how best they could assist them. However, most believed that this consultation had not been meaningful and had not resulted in better assistance.

b. Settlement options

In all five communities, the majority of the displaced were eager to return home as soon as security conditions permitted. Three-quarters said the only option they considered was return. For 62 per cent of respondents their return was motivated by the fact that they wanted to go back to their land and means of livelihood and were worried about the belongings they had left behind. Many (27 per cent) also said that they were returning because they followed their families who were going home.

Most reported they felt no pressure from the authorities to return, locally integrate or settle elsewhere. For those who did (18 per cent), they reported that the pressure to return came mainly from barangay officials, and to a lesser extent the military and host communities. In Sitio Settlement, women complained that barangay officials had encouraged them to return but that they could actually not provide them with any guarantee that their village was safe nor that there would be no further armed encounters or military sweeps that may cause them to have to leave their homes again. For nearly ten per cent return was precipitated by either insufficient assistance or poor living conditions in their area of displacement. This was the case in Sitio Bangas and in Sitio Settlement where some reported that the lack of food and assistance during displacement was a significant factor that encouraged return.

Only one in four reported that they had been offered other options such as local reintegration or settlement elsewhere. Information about their options came mainly from barangay officials (28 per cent), the military (19 per cent), local politicians (18 per cent) and government agencies (13 per cent). Some were also informed by other IDPs (17 per cent). Only four per cent said their preferred option was to locally integrate and only two per cent envisaged settling elsewhere. The few who expressed reluctance to return said this was mainly because they did not feel safe to return. Most of these hoped to go to a safer place, a town or a city.

In Sitio Zapanta Valley, where one in five considered their return as temporary, the Kitcharao municipality was reportedly considering a plan to relocate residents of the sitio. Houses would be built in the barangay centre but people would still commute to their original sitio to farm their land and maintain their houses. Respondents said

they were willing to consider this. According to the tribal leader of Sitio Bangas, permanently leaving the sitio and abandoning their land was simply not an option, in particular for the Lumads. Since the beginning of the conflict in the 1980s some are reported to have changed their residence and moved closer to the Mainit poblacion⁴¹ but they still go back to their land and farms.

Nearly two-thirds of respondents said they had been involved in the planning of their return or settlement elsewhere. In most communities, as in Sitio Zapanta Valley, this mainly took the form of consultations and meetings among the displaced and with the authorities. They reported barangay council officials had visited their community before their return to ensure they could do so safely.

c. Long-term safety, security and freedom of movement

People who return to their homes but remain without effective protection from the same threats that caused their initial displacement and who do not enjoy physical safety and security are at risk of remaining locked up in a cycle of violence and displacement. People in the five communities investigated for this report were at constant risk of displacement. Even those who had been displaced and who returned were unable to engage in long term development because of the constant risk of displacement. National and local authorities have the primary responsibility to ensure returnees, in particular the most vulnerable such as children and women, enjoy a sufficient level of safety and security and have access to national and local protection mechanisms, including effective courts and police.

Safety and security were major concerns in all five survey sites. Nearly half (43 per cent) reported they did not feel safe in their community. Almost one in five said they never felt safe. A majority (60 per cent) considered their communities had become less safe in the 12 months preceding the survey. One in five reported it had become very unsafe.

There were some striking differences between communities. In Sitio Zapanta Valley, the overwhelming majority (80 per cent) declared they did not feel safe in their community. Of these more than one-third said they never felt safe. Half of the respondents considered that their safety had deteriorated compared to the previous year. This was understandable given the high frequency of their displacement. Conversely, in Sitio Bangas, 80 per cent of the respondents indicated they felt safe. This was explained by the fact that since they had returned there had been no armed encounters, so they no longer felt in immediate danger. Some noted recent improvement in communication and coordination with military forces. However, most remained aware that conflict may erupt again anytime.

Half reported that insecurity prevented community members from daily access to food, firewood or water. This was the case for example in Sitio Zapanta Valley where women complained that the road to poblacion Kitcharao was very dangerous to travel on by foot, in particular for children and women. They alleged that 26 women had been victims of attempted rape and that one had died. It was not clear if these rape attempts were linked in any way to the conflict or to banditry. In Sitio Settlement, 56 per cent reported avoiding getting food, firewood or water because of insecurity, particularly in the aftermath of an armed encounter. Women shared that they were afraid to collect firewood because this may cause them to run into the military or the rebels.

Few households (15 per cent) reported having experienced physical violence themselves over the 12 months prior to the survey. Those who did seemed reluctant to identify the perpetrator. Of the seventeen people who claimed to have been subjected to violence, only three identified the perpetrators, in each case the military or the police. The main driver of physical violence was the suspicion by the military that members of the communities, in particular men, were NPA fighters or supporters.

In Sitio Bantaan, respondents reported no physical violence in the preceding twelve months. However, people indicated that during an armed clash in July 2012 some had been threatened by the AFP. In December 2012, the Apo Sandawa Lumadnong Panaghi-usa sa Cotabato (ASLPC), a local NGO, reported that some IDPs, suspected of being members of the NPA, were harassed and ill-treated. Some ten IDPs were reportedly made to stand in line for several hours under the heat of the sun while being questioned by the military about the NPA.⁴² In Sitio Bangas, respondents reported that in previous years men, in particular Lumads, were often suspected of belonging to or supporting the NPA and subject to human rights violations by the military. Some related having suffered from physical attacks, threats and torture (being made to eat peppers) by the military. A number of respondents noted a change of attitude of the AFP towards the civilian population in the last months that was marked by a sharp decrease in levels of violence.

Main security problems

The respondents identified the five top security problems as:

- armed conflict in or nearby the community;
- conflict or tension within the community;
- the behaviour of law enforcement officers/military personnel;
- lack of freedom of movement in the area;
- risk of forced recruitment by paramilitary groups/militias and/or the NPA.

A majority (83 per cent) expressed concerns that violence would return and that they would be displaced again. In Sitio Zapanta Valley, most respondents admitted being constantly stressed by the risk of armed clashes and renewed displacement. Security problems were primarily identified as linked to the governments-NPA armed conflict and to the behaviour of law enforcement agents. The respondents complained about the frequent military operations in their community. Some alleged that these were part of the counter-insurgency Peace and Development programme and that its objective was to prevent popular support of the NPA.⁴³ In Sitio Bantaan respondents spoke of a lingering fear as armed groups, such as the Black-fighters⁴⁴, are still reported to roam the area and armed clashes between the military and the NPA still continue. Military operations caused further displacement in nearby barangays at the end of 2012.⁴⁵ Young people reported being constantly bothered by and afraid when they saw soldiers roaming around their area. Their parents always warned them about staying late on the farm, at school or in the poblacion due to security risks.

Short of being injured during fighting, the most immediate security risk was being drawn into the conflict. All five communities are identified by the military as "NPA areas" and there is therefore a strong suspicion by the military that community members are to some extent NPA partisans.

In Sitio Bangas, respondents reported that NPA recruitment sometimes happened and that some youths had been encouraged by the rebels to join them or to attend training. According to the women, the situation had improved and there had been no NPA recruitment for some time. Members of the community remain, however, at risk of harassment and interrogation by the military. In January 2013, the military reportedly arrested and detained one of the survey's key informants, who was reportedly accused of accepting food aid from the NPA and released after eight hours of interrogation.⁴⁶

In Sitio Km33, respondents reported that those caught by patrols wandering near the forest or their farms were often suspected of being affiliated to the NPA and interrogated. In May 2012, a 17-year old boy who was injured during the clash that displaced the community was identified by the military as an NPA recruit. The military claimed it was his mother, displaced by the fighting, who convinced him to surrender.⁴⁷ According to KARAPATAN, however, the boy was caught in crossfire while looking for wood. When the next day he managed to get to an evacuation centre where his parents had sought refuge he was arrested by the military who accused him of being an NPA member.⁴⁸ After being detained for two weeks, the boy was finally released.⁴⁹



Residents from Sitio Patagon take a ride on the local mode of transportation known as "Skylab" out from the nearby encounter area in Sitio Patagon, barangay Anticala, Butuan City. (Photo: Erwin Mascarin, March 2013)

The risk of being recruited by paramilitary groups or militias was present in all five communities, although few reported actually being members. Most expressed reluctance to join because they believed it exposed them to risk of retaliation from the NPA. In Sitio Bangas, only a small number of respondents admitted taking part in the Barangay Defense System (BDS) (an auxiliary force regarded by the Philippines National Police as a "force multiplier" to maintain order) which is only present in the poblacion. Respondents said that they were not comfortable with the BDS because it was linked to the military and took away time needed for farming. In Sitio Zapanta Valley, the BDS was primarily viewed as a support to military for counter-insurgency with which many did not wish to be associated. The AFP had reportedly attempted to recruit youths in neighbouring villages.

In Sitio Bantaan, young men had been recruited into the BDS mainly to act as guards and lookouts during military operations. They were issued *bolos* (a machete-like instrument used for clearing farms of grass) to assist their work. No recruitment and training had reportedly taken place during 2012. Some considered that they endangered themselves by joining as they become targets of the NPA. They added that if recruitment was to start again they would not join it. In July 2012, the military were accused of having used two children from the community

aged 12 and 13 as human shields as they sought NPA rebels.⁵⁰ In Sitio Settlement one respondent reported having a member of his family assist the BDS. Others had joined but were no longer helping. In March 2012, two soldiers and a civilian were killed by a landmine while taking part in a pursuit operation against the NPA in the barangay. The civilian, a Manobo, was a member of the neighbouring sitio (Sitio Ilian) and had been recruited together with his brother, who was later captured by the NPA, to serve as a guide by the military.⁵¹ According to the military, the guide was helping them because he was angered by excessive taxes levied by the NPA.⁵²

Almost a third of respondents reported restrictions on freedom of movement in their place of origin, while 41 per cent said this was not the case and 30 per cent were unsure. The main obstacles identified were the presence of landmines⁵³/unexploded ordinance in farmland; military/NPA presence; military-imposed restrictions; curfews and self-imposed limitations for security. In most communities, movements were constrained by temporary military-imposed restrictions on access to farmland justified by the presence of unexploded ordinance.

In Sitio Km33, the displaced were 'advised' by the military not to stay too long on their farms and not to go to the forest for a two-month period after their return. This was

for the returnees own security as the military claimed there were still three undetonated explosives. After two months, these restrictions were lifted but many continued to avoid going too deep into the forest. They identified the main obstacle to freedom of movement as the curfew imposed by sitio leaders which limits working hours and designates off-limit areas, in particular for young people. Similarly, in Sitio Zapanta Valley, where nearly half reported limitations to their freedom of movement, the main obstacles were the presence of landmines/unexploded ordinance near their farms, instructions from the military not to go to certain areas for their own safety and the imposition of curfews. In Sitio Settlement, where lack of freedom of movement was a concern for at least one third of the respondents, women said the main obstacle was fear. Young people said they were constantly reminded by their parents not to stay out late on the farms.

In Sitio Bantaan, respondents reported that some 27 families had not been allowed to leave their village when the conflict started on 15 July as they were advised by the military that it would be safer for them to remain close to the soldiers. The AFP reportedly set up a camp in the village day care centre which they used as a command centre for three days. Unable to leave, the families decided to gather inside a small church in their village until the military operations stopped a few hours later. On 16 July, the military operations came to an end and soldiers left the village. Reports also revealed that immediately upon their return home the returnees were prohibited by the military from going to their farms for a period of forty days.⁵⁴

While a tense security situation or the presence of unexploded ordnances may justify temporary movement restrictions, these must be proportionate to achieve a legitimate aim (e.g. clearing landmines) and not last longer than justified by the security conditions. These restrictions are likely to have adverse effects on the lives and livelihoods of returnees and their impact must therefore be minimised, including by providing compensation or assistance to those affected.

d. Pre-displacement socio-economic vulnerabilities

In Mindanao, as elsewhere in the Philippines, Lumad communities are economically, socially and politically marginalised due to their physical isolation, lack of development assistance and lack of access to basic services. Even before their displacement, the five communities suffered from high levels of poverty, limited access to livelihoods and inadequate standards of living. Infrastructure is poor, roads are unsealed, often impassable during the rainy season and this drives up the price of goods in the region.

Already living on the edge of subsistence, most communities struggle to cope with the effects of conflict and recurrent displacement, mainly in relation to their livelihood activities, and the accumulated effects of property loss or damage and income decline.

Access to employment and livelihoods

In all five surveyed communities agriculture is the main livelihood. About half of all households also own livestock such as *carabao* (water buffalo), chicken and pigs. Daily labour is the main secondary source of income. In most communities, villagers typically work for neighbours who need additional labour. Some residents of the five communities are registered as former NPA combatants, known as 'returnees', who in return for their surrender are reported to receive between 55,000 and 75,000 pesos of cash assistance.⁵⁵

In most communities displacement did not result in significant change in livelihood activity ; however, 45 per cent reported that displacement did have a negative impact on their ability to carry out their livelihoods. One in ten respondents said their income had dropped significantly since being displaced. Only 16 per cent said their situation had improved.

Displacement had a number of negative consequences on livelihoods. These included inability to till land during displacement and the additional work required to restore fields upon return and sometimes replant crops. In Sitio Km33, one respondent said he felt like "starting from scratch" as he had to put in extra work to rehabilitate abandoned land. This was not always possible immediately after return. As noted above, military-imposed restrictions on accessing farm land after return occurred in most communities. The majority reported that after these restrictions were lifted they gained full access to their farmlands but many said they only visited briefly due to insecurity. Half the respondents in the five communities said that as a result of displacement but also ongoing security problems following their return that limited their freedom of movement, they could no longer make ends meet. As a consequence, food insecurity has increased.

Across much of Mindanao Lumads' access to credit and government agriculture extension services is very limited. Thus their agricultural productivity remains low and many practices are environmentally unsustainable. They are also forced to accept usurious terms imposed by middlemen, capital providers and traders because of the lack of viable options in this remote region.⁵⁶

Food and agriculture

Lack of food during and after displacement was cited as a major problem in several communities.

One third of the respondents reported that they had suffered from a loss of household assets and livestock during displacement but only six per cent reported having received compensation. Most respondents blamed the military for the loss of crops and animals. In Sitio Zapanta Valley, 44 per cent reported that they had found their land damaged and their crops destroyed upon return. In Sitio Km33, returning shop owners reported loss of cash and stock including mobile phones and chargers. They blame soldiers and report they have received no compensation.

The most common coping strategy for the returnees was to work and receive payment in kind (39 per cent), others coped by reducing their food intake or quality (22 per cent), selling livestock or household assets (12 per cent), seeking support from relatives or borrowing money (12 per cent), sharing costs with host families (four per cent) or sending family members away to find work (four per cent). These strategies all erode families asset bases and their long term development prospect, and in some cases can lead to physical harm such as malnutrition or under-nutrition that may cause long term chronic health problems, particularly among children.

Education

Children in most of the five communities studied in the report are more likely to drop out of schooling as a result of their displacement or the risk of displacement. While access to education in most Lumad communities is already constrained by high poverty levels and by their physical isolation, children in conflict and displacement -affected

communities tend to be worse off due to their frequent school interruptions, a volatile security environment and a decrease in income levels caused by displacement.

A third of the respondents in the five communities considered that access to school had worsened after displacement. Lack of access to school or support for the education of their children is a major concern in all five communities. Two-thirds stated that all their children were able to go to school but this is not possible for the remainder due to the costs involved, the need for child labour, difficulties of transport and the distance to schools, particularly secondary schools.

In Sitio Km33, most of the children were able to go to the elementary school located in their community but the school reportedly lacked teachers and learning facilities. There is also no classroom for pre-schooling or day care. For teenage children the nearest secondary school is ten kilometres away in barangay Pulang Lupa, a significant obstacle for most families. Children reported not having any money to spend for snacks and lunch in school, nor to buy school supplies materials.

There is a day care facility and a primary school in Sitio Zapanta Valley that offers classes up to Grade 4. Grade 5 children must travel nine kilometres to the poblacion, a four hour walk each day on a rough and often unsafe road. As a result, many children drop out before grade 5. An organisation promoting alternative education for Lumad – Alternative Learning Center for Agricultural



Youth Focus Group Discussion, sitio Bantaan, barangay Bagumbayan, Magpet municipality. (Photo: Balay, November 2012)

Development (ALCADEV) – offers elementary education in a school managed by KASALO, a local NGO, but is suspected by the military of being an NPA training ground.

In Sitio Bangas, four in ten respondents reported that poverty prevents them from sending their children to school or buy uniforms or textbooks. A few also considered it was no longer safe for children to attend school due to insecurity.

Education was sometimes provided during displacement in the barangay centre, usually not affected by the conflict and where many IDPs had sought refuge. Sometimes, teachers were afraid to return to school after the conflict; due to fear violence would recur. According to key informants, the frequent interruptions of schools due to displacement meant that many displaced children lagged behind compared to other children in the barangay. In Sitio Bantaan, older children from the community, mostly male, were reluctant to go back to school, especially those who feel they are much older than those in the same grade level.

e. Housing, Land and Property Issues

Having security of tenure is an essential element in the sustainable development of any community. It enables long-term planning and offers, at least in principle, protection against forced eviction. Although security of tenure does not offer immediate protection against displacement

caused by conflict, it does increase the likelihood for the displaced to be able to return home once the fighting has ended and retrieve their house, land and property.

Since indigenous people's rights to access and manage their land is, in principle, guaranteed by IPRA, the survey questionnaires tried to evaluate the extent to which the law and existing mechanisms effectively protected these rights. It also tried to gauge respondents' perceptions as to whether a failure by the government to protect these rights, for example by promoting natural resource extraction projects in Lumad communities, could be a possible driver of the armed conflict and their recurrent displacement.

Ancestral domain certificates (CADTs/CALTs) and the Integrated Social Forestry (ISF) programme delivered under the auspices of the Community-Based Forest Agreement (CBFM)⁵⁷ are the two main tenurial instruments in upland areas. The Integrated Social Forestry (ISF) programme provides for a forest stewardship agreement with the Department of Environment and Natural Resources (DENR). This allows local people to use and develop the natural resources, in particular timber, through a Certificate Stewardship Contract (CSC).

Most respondents (46 per cent) considered that their land was owned by their community on a collective basis

The Indigenous Peoples Rights Act (IPRA)

In 1997, the government enacted landmark legislation with the Indigenous Peoples Rights Act (IPRA). IPRA guarantees the rights of its indigenous peoples and indigenous cultural communities (IPs/ICCs) to ancestral domain and lands. The National Commission on Indigenous People (NCIP) is the main agency responsible for the formulation and implementation of policies and plans to promote and protect the rights of indigenous people. It delivers Certificates of Ancestral Domain Titles (CADTs) and Certificates of Ancestral Land Titles (CALTs) to indigenous communities whose claim to ancestral domain has been recognised. These serve as proof of ownership. CADTs are held collectively by the indigenous community and not private individuals and cannot be sold outside the community. CALTs are held by individuals, families or clans and can only be sold to other clan members or members of the tribal community.

The right to ancestral domain includes the right to ownership, the right to develop the land and its natural resources, the right to regulate the entry of migrants and other entities, the right to safe and clean water and air, and the right to resolve land conflicts in accordance with customary law. It also guarantees indigenous people the right to stay in their areas and to be protected against involuntary displacement. Indigenous communities cannot be displaced from their land for reasons of development projects unless all members have given their formal consent, which is obtained through the Free, Prior and Informed Consent (FCIP) process. Holders of ancestral domain rights are further guaranteed that in case of displacement resulting from a natural disaster they will be resettled in suitable areas with adequate assistance. They also have the right to return when conditions permit. In case return is not possible, they will be provided with land of equal quality and legal status and will be given access to basic services and livelihoods (IPRA, Sec.7, c-d) IPRA identifies three additional clusters or rights: the right to self-governance and empowerment; the right to social justice and human rights, including state provision of equal protection and non-discrimination rights during armed conflict, and the right to cultural integrity.

through CADTs/CALTs. One in four respondents stated that their household fully owned the land they occupied. One in ten reported being sharecropper tenants while seven per cent had the consent of the owner to live on their land and paid no rent. Nine per cent considered the government owned the land, including under the ISF.

Of the five surveyed communities, three had their land covered by a CADT (Sitio Zapanta Valley, Sitio Bantaan and Sitio Settlement), one had made a claim which was being processed (Sitio Bangas) and one had no CADT (Sitio Km33) but only an ISF. In Sitio Zapanta Valley the land was covered by a CADT and by an ISF. Overall, nearly two-thirds of the respondents reported that their land was covered by a CADT/CALT. A significant number (16 per cent) said that they did not know who owned the land.

Many (37 per cent) believed that CADTs/CALTs provided their land with sufficient protection. However, 21 per cent disagreed, with 42 per cent unable to deliver an opinion. Most admitted to having poor knowledge of the protection afforded by these tenurial instruments or of the institutions and mechanisms that were mandated to help protect their rights, such as the National Commission on Indigenous Peoples (NCIP) or the FPIC process. More than half (53 per cent) could not say whether the government, and in particular NCIP, was helping to protect their land, although most of the minority tended to agree (28 per cent vs. 19 per cent). In Sitio Zapanta Valley, Sitio Bangas and Sitio Bantaan, most respondents admitted they were not very knowledgeable about their rights under the CADT/CALT, the significance of FPIC or the mandate of the NCIP. Many however expressed a willingness to know more and would welcome more information and training on these issues.

Only one in five respondents had knowledge of a mining, logging or agro-business enterprise within or near their community. Two-thirds said they believed there was either no enterprise or that they had not heard of one. Though not an explicit menace to Lumad tenurial security in most of the five communities, a majority (51 per cent) of the respondents still considered that these projects, in particular mining, represented a threat for their community. Only 17 per cent considered these could also represent an opportunity. One third said they did not know or preferred not to express an opinion.

It is striking that despite the absence of ongoing development projects in most of these communities or of past experiences in that regard, the majority of the respondents had a negative perception about the potential impact of these projects. This may be partly explained by the fact that local perceptions are heavily shaped by the broader Mindanao context in which natural resource extraction projects, in particular mining and logging, are ranked by

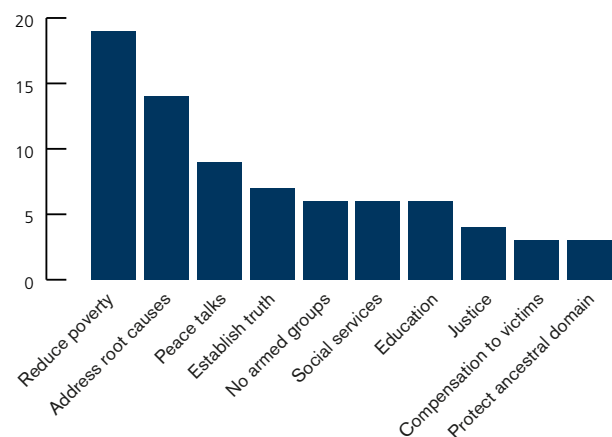
Lumad coalition groups as major threats against their ancestral domain territories and their way of life.

For most people in the five surveyed communities the best way to address the tension between natural resource extraction projects and the protection of ancestral land was for the government to better protect the community's right to ancestral domain. Others suggested strengthening traditional leadership or providing documentation to land owners. In Sitio Bantaan, it was suggested that each community member be given a copy of their land title for better protection from external parties. Similarly, in Sitio Settlement, people suggested that documentation should be provided to all communal landowners.

How to solve the conflict

When asked how to end the conflict, the two main suggestions were poverty reduction and addressing the root causes of the conflict. People pointed out that reducing poverty and improving access to social services such as education would contribute to bringing peace and security. For a number of respondents addressing the root causes of the conflict entailed protection of ancestral domains.

How to solve the conflict?



Many urged the government and the NPA to resume peace talks, calling for an open dialogue to also include members of communities regularly affected by armed clashes. In Sitio Bangas, people said such a dialogue, respect and greater understanding between the AFP and NPA, would help change the perception of the military that Sitio Bangas is an NPA area. They hoped that the positive attitude that the AFP had recently shown towards them would continue. In Sitio Bantaan, they believed dialogue would help combatants better understand how fighting affects them directly and that they would agree to measures to mitigate the impact of the conflict. They said that if military operations were inevitable, the military should at least inform them beforehand so that they could

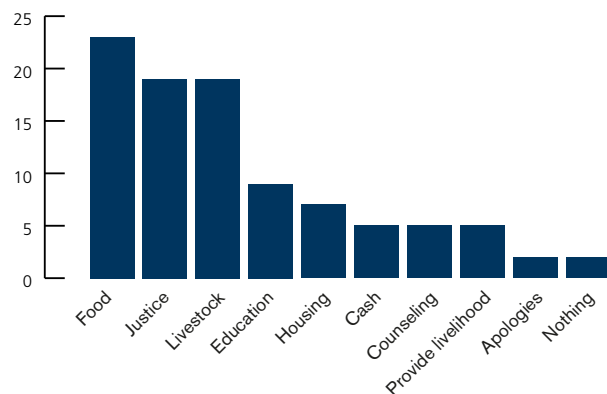
prepare to evacuate before the operations started and avoid being caught in the crossfire. In Sitio Zapanta Valley, some felt that it would help if the broader Filipino public was better informed about the plight of communities such as theirs that are regularly affected and displaced by conflict.

A more immediate solution which was put forward by people in several communities was to ask both the AFP and NPA to stop visiting their communities, or at least avoid fighting near them. Another related suggestion was to declare ancestral domains as zones of peace where the AFP and the NPA would not be allowed to fight. In Sitio Bangas and Sitio Settlement, people felt that if the NPA would stop visiting and recruiting community members, the military would then also cease operations and there would be no more encounters. In Sitio Zapanta Valley, the barangay chairman suggested that both parties should respect rules decided upon by the community: to not stay for more than 12 hours and to ensure any camp/detachment is located at least 500 metres away from the community.

What should be done for victims of displacement and human rights violations?

Most respondents said that the victims must receive compensation in kind, such as food, livestock, housing and livelihood support. Others said the victims of displacement and human rights abuses should receive financial compensation, akin to that paid to ex-combatants. For many respondents, in-kind or monetary compensation was more directly useful for them than 'justice' but probably also more realistic. Ensuring justice was still seen as important, many saying that the perpetrators of displacement and human rights violations should be brought to justice.

What should be done for IDPs and victims of human rights violations?



In Sitio Bantaan, people said they would welcome an apology from the military for having restricted their movements to and from their homes and farmland and

a promise not to do so again. In Sitio Bangas, some said they needed to be taught about human rights and state institutions supposed to uphold them.

3. Communities in conflict-affected areas more vulnerable to the effect of Typhoon Bopha/Pablo

On 4 December 2012, Typhoon Bopha/Pablo struck Mindanao, killing more than 1,000 people and forcing around 985,000 of the 6.2 million people impacted to evacuate their homes. The typhoon's high wind speed and flooding caused damage or destruction of over 235,000 homes and public buildings as well as to other infrastructure. There was widespread disruption of power supplies and telecommunications networks. The eastern part of the island bore the brunt of the casualties and damage. The government believes more than 90 per cent of the homes that were either completely destroyed or partially damaged were located in two provinces: Davao Oriental and Compostela Valley. Six months after the disaster, it was estimated that 933,000 people were still displaced⁵⁸ (including 11,700 inside evacuation centres).

Damage to agricultural-based livelihoods was enormous, in particular in Compostela Valley where the governor estimated that 70 per cent of the province had been devastated.⁵⁹ In both provinces most coconut and banana plantations were wiped out, leaving thousands of families with no means to make a living and feed their families.⁶⁰ According to a World Bank assessment, agriculture in Davao Oriental Compostela Valley was reduced by 23 per cent, poultry and small livestock raising by 18 per cent and fishing by 26 per cent. More than one in ten families suffered a total loss of income and more than 60 per cent of households considered their access to sources of income as "bad" or "very bad".⁶¹ In the wake of the disaster it was estimated that nearly one million people were in need of food assistance. As a result of the sudden loss of agricultural production, employment and lack of income, most families were forced to reduce the frequency of meals, eating smaller portions and substituting food.

Lumad communities, in particular those living in the two provinces hardest-hit, were particularly affected. They represented at least 60 per cent of the total affected population.⁶² Already economically and socially marginalised, these communities were less able to cope with the destructive effects of the typhoon and they also faced more challenges than other groups in accessing assistance. This was mainly due to their isolation but also because they were unable to meet government agencies' information requirements due to low literacy levels or lack of birth certificates. Cultural factors were also at



Little girl standing next to one of the community's "foxholes", New Visayas, Trento. (Photo: IDMC/Frederik Kok, June 2013)

play with some Lumads ashamed to ask for assistance. When assistance was provided it was often not adapted to Lumad culture.⁶³ According to the NCIP, bunkhouses constructed by the government to host displaced people were inadequate for Lumads as they were used to have only one house per family. Also, instead of new homes, Lumads preferred to receive shelter material to rebuild their homes. Many Lumad communities complained that their specific needs were not taken into account either during the emergency response or the recovery phase.⁶⁴

Communities in conflict-affected areas that were also affected by the typhoon vulnerable were particularly vulnerable due to their remote locations, difficulty of access for state or non-state aid agencies and pre-existing social and economic vulnerabilities exacerbated by the conflict and previous displacements.⁶⁵ In sitio Km 33, Trento municipality, the typhoon destroyed all but three of the 48 houses. Farmlands and crops were devastated. In the wake of the disaster some residents built "fox holes" in an attempts to protect themselves against new weather hazards, a strategy also used by IDPs in other areas of Mindanao to protect themselves against the fighting near their village or location.⁶⁶ The community's teacher said that the disaster had added to their worries with children particularly affected: "Prior to the typhoon, children were already afraid when they heard gunshots or explosions caused by a nearby AFP-NPA clash, now they also worry

when they hear strong winds or when heavy rains comes down. This adds to their stress and trauma".⁶⁷

It took one month for government assistance to reach this isolated community. Food and cash for food assistance only lasted two months after which people had no other option than to fend for themselves. Some left the community in search for work while others turned to alternative income-generating activities such as gold panning. As this report goes to print the community is still waiting for assistance to rebuild their homes. A housing assistance programme which would provide 48 households with 70,000 pesos (\$1,617) to buy material to repair and rebuild their homes has been stalled due to administrative hurdles and the fact that most households lack ownership documents required to receive shelter assistance. Barangay officials also complained they were unable to raise the counterpart funding⁶⁸ required by the project.

It is believed that many of the people worst-affected by the disaster had informal tenure arrangements and no supporting documentation.⁶⁹ As in most disasters, those without formal title are at risk of being excluded from housing assistance programmes.⁷⁰ People displaced by the conflict over the years and who have chosen to re-settle closer to barangay centres are more likely to lack titles. Often already at risk of eviction, those who have also been affected by the typhoon are also more likely to

be neglected in the recovery phase as they do not qualify for government housing assistance. Communities living in so-called "NPA areas" were not reported to have been discriminated against in the provision of assistance, as the government made genuine efforts to reach all areas affected by the typhoon often relying on the military to distribute assistance. However, security restrictions did prevent assistance from reaching some areas under NPA control. In February 2012, thousands of protesters ransacked the DSWD office in Davao claiming assistance had failed to reach them.⁷¹ According to the government the protesters had been manipulated by left groups.⁷²

Though the government appears to be making genuine efforts to address the housing needs of the displaced, it needs to ensure people have security of tenure so as to ensure the effective provision of humanitarian and development assistance. Security of tenure would also ensure people are protected from arbitrary evictions and confer some degree of security on families displaced by conflict, violence or natural disasters.

5

Responding to the needs of the displaced

The Philippines has a robust and well-developed human rights framework consisting of the country's fundamental law, the 1987 Constitution, customary law, and has ratified most international conventions. The Philippines is a party to the major international human rights instruments which guarantee basic fundamental rights for all citizens. In many respects, the Philippine legal and institutional framework is a solid foundation for the protection of its indigenous population. The 1987 Constitution recognised indigenous communities' ancestral domain rights as well as traditional indigenous institutions and culture. The 1997 IPRA formalised this recognition.

In recent years the government has also developed landmark legislations to protect its citizens against displacement risks arising from natural and human-made disasters. In early 2013, the Philippine Congress enacted an IDP Act which, if passed, would have recognised all IDPs' rights to protection and assistance, whether displaced by conflict, natural disasters or by the "aggressive implementation of development projects".⁷³ Potentially an important step in further strengthening the rights of IDPs in the Philippines, it recognised the importance of preventing displacement, penalising those responsible for arbitrary displacement⁷⁴ and providing compensation to victims. The proposed law would have clearly set out the responsibilities of the government to protect and assist IDPs. The designation of the Commission of Human Rights (CHR) as national institutional focal point would have ensured that sustained attention was paid to displacement issues.

In late May 2013, the government vetoed the law on the grounds that some of its provisions were unconstitutional. It raised particular concerns over the Bill's requirement that the mandate of the CHR be expanded. It considered that additional powers – determination of damage incurred by IDPs and facilitation of compensation – exceeded the role of the CHR, as defined under the constitution. Further, the government objected to the Bill's provision on damages which differentiated between displacement caused by the state security forces and those caused by non-state actors. Additionally, the government considered that individuals should not be allowed to claim financial assistance and compensation based on their displacement for, it argued, this would be contrary to the principle that the state cannot be sued.

Prior to the adoption by Congress of the IDP Act, the government enacted two related pieces of legislation to

strengthen risk reduction management of disasters: the Climate Change Act of 2009 and the Philippine National Disaster Risk Reduction and Management Act of 2010 (PDRRM-2010) which the United Nations called "the best in the world".⁷⁵

a. Preventing displacement

The *UN Guiding Principles on Internal Displacement* acknowledges that states have a responsibility to "prevent and avoid conditions on their territory that might lead to population displacement" and to "minimise displacement and mitigate its adverse effects". States also have "a particular obligation to protect against the displacement of indigenous people, minorities, peasants, pastoralists and other groups with a special dependency on their land."⁷⁶ The 2007 *Declaration on the Rights of Indigenous Peoples* further stated that they "shall not be forcibly removed from their lands or territories" and that "no relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return".⁷⁷ IPRA anticipated these preventive protection principles by guaranteeing indigenous peoples' right to be protected against displacement, whether caused by conflict, natural disasters or development projects.⁷⁸

While the FPIC process protects the Lumad, in principle at least, from unwanted development projects on their ancestral domains and from the displacement these may cause, it also gives indigenous communities the right to regulate the entry of migrants and 'other entities' which may include armed groups.⁷⁹ Before entering an ancestral domain, these 'other entities' must first secure the consent of the community's council of elders/leaders and their members. Though the military are in principle exempted from securing this permission in "emergency cases"⁸⁰, there are cases⁸¹ where this has led to recognition by the military of areas of the ancestral domain as zones of peace and commitments not to conduct operations that may cause displacement without first securing a FPIC.

The legal framework and legal obligations are clear but government compliance has so far been poor. Military and counter-insurgency objectives tend to be prioritised as communities most at risk of displacement are tagged as "NPA-influenced" or "NPA-threatened", thus making their

In 1998, the government and the NDF signed the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL). Meant to prevent human rights violations by both parties, CARHRIHL has specific provisions related to the protection of civilians and their properties against a number of threats resulting from the armed conflict, including extra-judicial executions, indiscriminate bombardments, unjustified arrests and detention, harassment, forced labour, physical or mental torture, politically-motivated movement restrictions, landmines and forced displacement (III, art.2, para. 4-8, 14,15).

Forced displacement is prohibited “unless the security of the civilians involved or imperative military reasons so demand” (IV, art.3, para.7). Both parties must prevent “the emergence and increase of internally displaced families and communities” (IV, art.3, para.7). The government, in particular, commits to “review and undertake to change policies, laws, programs, projects, campaigns, and practices that cause or allow the forcible evacuation and reconcentration of civilians, the emergence and increase of internally displaced families and communities and the destruction of the lives and property of the civilian population.” (IV, art.7) CARHRIHL further provides that “Internally displaced families and communities shall have the right to return to their places of abode and livelihood, to demand all possible assistance necessary to restore them to their normal lives and to be indemnified for damages suffered due to injuries and loss of lives.” (IV, art.9)

CARHRIHL also provides a mechanism - the Joint Monitoring Committee (JMC) composed of government and CPP/NDF/NPA representatives - to monitor and investigate violations of the agreement. However, the JMC only met for the first time in 2011, seven years after its promulgation during which time over 5,000 violations were reported, three quarters against government forces. None of these cases have been investigated or discussed due to the lack of proper working guidelines to enable the JMC to operate. It is unclear if the newly-set up Complaints Monitoring Working Group (CMWG)⁸², an inter-agency body tasked with monitoring human rights violations committed by both sides, will be more successful in ensuring compliance with CARHRIHL and preventing human rights violations leading to displacement. In April 2013, the AFP along with the other eight government agencies members of the inter-agency body signed and approved its operational guidelines.

plight more a security than a human rights or humanitarian issue. The government does take some measures to avoid human rights and international humanitarian law violations. There have been basic orientation seminars⁸³ for the AFP and the Philippine National Police on CARHRIHL. Also, the AFP has established a human rights office in its headquarters but also in regional command centres, although this has been described by some human rights NGOs as a merely “PR initiative”.⁸⁴ Overall, these efforts remain limited and their impact insufficient. Much remains to be done to hold perpetrators of human rights violations, in particular soldiers, accountable for their acts.

There have been a number of local initiatives to limit the intrusion of the military into indigenous communities so as to reduce the likelihood of armed clashes and displacement as a result of militarisation but few have been successful. In October 2012, in Davao the city's Sangguniang Panlungsod (the name given to the local legislative branch of city governments in the Philippines) adopted a resolution urging the AFP to relocate soldiers away from civilian areas and to refrain from stationing troops in civilian and public structures such as schools. This resolution was, however, overridden by Davao's mayor who stated that the presence of military troops inside barangay halls is acceptable if barangay officials approve.⁸⁵ In 2013, the military were reported to be preparing draft guidelines on

the conduct of military operations inside or within schools and hospitals. The guidelines were to be launched as operational directives in 2013.⁸⁶

Another example of a local initiative was the signing in 2005 of an MOA between the military, the provincial government and the Mangyans of Occidental Mindoro. The military vowed to coordinate their movements with the Lumad at all times, except when engaged in “hot pursuit” operations, and to ensure that the behaviour of soldiers would be respectful of indigenous people's traditions and cultures. In the case of property loss or damage there would be repairs or compensation. The indigenous community pledged neutrality in the conflict and to encourage members who had joined the NPA to “return to the fold of the law.”⁸⁷

A number of respondents to the survey voiced their concerns regarding the regular intrusion of both the AFP and the NPA resulting in armed clashes and displacement. They suggested the need to regulate the entry of armed groups into their community, including by declaring their ancestral domains as zones of peace. In July 2013, 112 CADT holders from various regions of Mindanao conveyed their concerns related to peace and security to the NCIP during a four-day dialogue and made the plea to have their ancestral domains recognised as zones of

peace. The NCIP chairman expressed strong support for the suggestion.⁸⁸ The establishment of zones of peace in which groups would be prevented from carrying firearms and where military presence would be minimised would contribute to building a more peaceful environment where armed clashes could be more easily prevented and displacement avoided.

b. During displacement

A central element of national responsibility is to ensure that sufficient resources are devoted to address the needs and protect the rights of the displaced. LGUs can draw on calamity funds, a mechanism allocating five per cent of their revenues to support disaster risk management activities and relief and recovery programmes in communities hit by natural and man-made disasters. This requires a declaration of a state of calamity by the local legislative body which may not always be forthcoming, in particular for small-scale displacements. Also, poor LGUs with small revenues have less financial capacity to assist the displaced. Overall, it appears that these resources tend to run out relatively quickly, leaving the displaced with no option but to return. Republic Act No. 9710, or the Magna Carta of Women, provides for women's "right to protection and security in times of disasters, calamities, and other crisis situations especially in all phases of relief, recovery, rehabilitation, and construction efforts." The state should provide immediate humanitarian assistance, allocate resources and facilitate early resettlement if required.

All tiers of government have made genuine efforts to assist the displaced and to provide them with necessary support to sustain their immediate food, water, shelter and health needs. This is facilitated by the general pattern of displacement, movement from remote sitios to seek refuge in barangay centres where state services are available.

However, assistance is not systematic and is often perceived as inadequate and insufficient. Local authorities and government agencies generally have a limited understanding of IDPs rights and of their responsibility to them. They are also not provided with sufficient resources to assist the displaced.

The response capacity and level of cooperation between agencies responsible for assisting the displaced varies greatly. In several regions, assistance was often left to the discretion of local governments whose response could be shaped more by political allegiances, military imperatives and the availability of resources than human rights and humanitarian principles.

In the Caraga region concerned agencies have set up an IDP taskforce (called Task Force Kitcharao), led by the CHR, in response to displacement in 2012. In January 2013, a month after typhoon Bopha hit Mindanao, the Caraga Regional and Peace Order Council (RPOC) formed a permanent IDP committee bringing together representatives of the Department of the Interior and Local Government (DILG), DSWD, NCIP, the Office of Civil Defense (OCD), PNP, AFP, the Department of Education (DepED), the Department of Health (DOH), the National Economic and Development Authority (NEDA) and local NGOs. The IDP Committee is mandated to monitor displacement incidents and related human rights violations, maintain an IDP database and take measures to ensure IDP protection and assistance at the regional, provincial, municipal and barangay level.⁸⁹ With support from the German Agency for International Development (GIZ), the RPOC is currently developing a Road Map for Peace which will be based on provincial situational analysis and organisational assessments (PSAOA). Addressing displacement caused by the NPA insurgency and other sources of violence is one of the components of the Road Map for Peace. Specific projects currently underway include the development of an IDP monitoring tool and an IDP management manual. These initiatives are welcome steps taken toward getting a clearer picture of the numbers, needs and conditions of IDPs and towards strengthening the regional and local level response to their assistance and protection needs.

c. Building resilient communities through conflict-sensitive community-based development programmes

Displacement and poverty are intricately linked. Most IDPs live in poor rural communities and have limited household and productive assets. Many live on the edge of subsistence, and are unable to withstand external shocks following conflict and displacement and sustain their food security. The government needs to do more to increase their resilience by providing them with alternative livelihood options and better agricultural extension support to increase their productivity. IDPs' perception is that poverty, lack of economic opportunities and limited access to state services are underlying causes of the conflict. Addressing these is the responsibility of the government and an essential element in the process of ensuring people are better able to cope with and recover from external shocks and displacement either due to conflict and violence or to natural disasters.

As displaced and host communities in remote conflict-affected areas often share similar needs and vulnerabilities, community-based development programmes should be prioritised to ensure communities themselves play a lead

role in the planning and the implementation of projects. To maximise the scope of these programmes to generate social benefits beyond short-term outputs and to have a positive impact on long-term transformative outcomes promoting peace and security, programme design and implementation should be adapted to local conflict dynamics and this needs to take account of temporary displacement and potential loss of assets.

In the past ten years, the government and its international partners have mainly responded to development challenges and needs in displacement and conflict-affected areas through community-based development (CBD)⁹⁰ programmes. Since 2010, the government has made CBD programmes a central component of its counter-insurgency strategy. In December 2010, the newly elected government of Benigno Aquino III issued an Internal Peace and Security Plan (IPSP) which replaced OBL. From a predominantly military approach, it signalled a switch to a security strategy relying on community engagement and social welfare programmes.⁹¹ The AFP is holding dialogues with communities in conflict-affected areas so as to identify peace and development programmes that respond to the communities' identified socio-economic needs. By 2016, the AFP hopes to be able to transfer responsibility for Internal Security Operations (ISO) to local

government units and the Philippines National Police.

According to the Centre for Humanitarian Dialogue, despite a 'softer' approach which the AFP itself describes as "human rights-based focused military operations targeting the NPAs"⁹², the army's "tactics are still largely based on eliminating and suppressing threats by force."⁹³ In their joint submission to the 2012 United Nations Universal Periodic Review (UPR) of the Philippines' human rights performance, indigenous activists and other NGOs warned that "the strategy of community development under the auspices of the AFP endangers civilians, strips off otherwise civilian functions from the civil bureaucracy with high probability that development programs will be utilised with non-development objectives."⁹⁴

Recent studies on the impact of CBD have shown that programmes in areas under NPA control or influence were more likely to result in increased levels of violence mainly because the CBD was perceived as a counter-insurgency measure.⁹⁵ Community participation in CBD interventions such as the Kalahi-CIDSS, a poverty-alleviation programme implemented since 2003 by the DSWD in partnership with the World Bank, was also lower as it was often discouraged by the NPA. Another problem was that many of the most remote conflict-affected ba-



Bae Linganay, chairman of the Indigenous Women group of the Manobo tribe of Sitio Patagon, organizes fellow evacuees on the plan of action at their evacuation site in the Sitio Tagkiling Tribal Elementary School in Barangay Anticala, Butuan City, after 3rd Special Forces (SF) Battalion of the Philippine Army stormed the area where 2 New People's Army camp was discovered after days of encounter starting March 6, 2013. (Photo: Erwin Mascarinas, March 2013)

In comparison with the Bangsamoro region, areas affected by the NPA conflict have received very little assistance from the government and international partners.⁹⁶ Under President Arroyo, development interventions in conflict-affected areas were mainly conducted through the military-led Kalayaan sa Barangay (KBP) programme. Operational from 2005 to 2011 it aimed to suppress support for the NPA through the provision of development and social welfare programmes. In July 2011, the government launched the PAMANA programme, a framework for peace and development in conflict-affected areas as a replacement of the KBP. The programme, spearheaded by the Office of the Presidential Adviser on the Peace Process (OPAPP) and supported by relevant line agencies and LGUs, is considered by the government as complementary to peace negotiations it holds with the country's various rebel groups. The 1.9 billion peso (\$43.8 million) PAMANA budget is shared among DSWD, DAR and DILG.⁹⁷ From 370 in 2011, the number of barangays covered by PAMANA was expected to rise to 1,921 in 2012 covering an increasing number of conflict-affected barangays of eastern Mindanao. In April 2013, the government announced that 17 conflict-affected barangays in the Soccsksargen Region would benefit from the PAMANA programme.⁹⁸

barangays were often unable to meet the required counterpart funding due to limited resources. This resulted in project failure or tended to prevent these barangays from participating in the CBD interventions despite considerable needs for development, enhanced access to basic services and improved governance.⁹⁹ Communities affected both by the conflict and by recurrent displacement are in need of interventions where humanitarian and development assistance can be effectively linked so as improve their livelihoods, raise their standards of living and enhance their resilience to external shocks, including those caused by natural disasters. Adapting these to local conflict dynamics and to barangays' financial capacity would allow the poorest communities to be covered by these interventions.

One of the CBD initiatives which appear to have shown the most potential for attaining transformational outcomes related to poverty reduction and peace-building is the GIZ-supported Conflict-sensitive Resource and Asset Management program (COSERAM) implemented in partnership with NEDA and DILG in the Caraga region since 2011. The programme, now in phase 2, builds on a GIZ 2009 study which identified inequitable access to land and resources as one of the main cause of conflict.¹⁰⁰ The programme which aims at ensuring that the governance of natural resources is peaceful and sustainable and benefits the community, targets five areas of the region where various activities are implemented to address major development and peace-building needs.¹⁰¹

One of the target groups of the programme are marginalised Lumads at risk of displacement. In partnership with NCIP support is provided to strengthen Lumads's capacity to assert their land claims and identify their own development priorities through the issuance of ancestral domain titles and the formulation of Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs).¹⁰² As of early 2011, only 90 ADSDPPs have been formulated representing only slightly more than half of

the total number of CADT holders. One of the challenges is the lack of funds to support the formulation of the ADSDPPs.

Assistance and development interventions in eastern and northern Mindanao need to take into account the link between disaster and conflict vulnerabilities and respond to these in an integrated manner. Ensuring that recovery and prevention programming, such as disaster risk reduction activities, are conflict-sensitive will help avoid worsening tensions and may lead to opportunities to reduce conflict and help the transition to peace.

6

Conclusion

Because their territories happen to overlap with areas under NPA control or influence Lumads are caught in the conflict between the communist rebels and the government, often left with little choice than to join one side or the other. Their communities are both exposed to recurrent armed clashes but also militarised in ‘clearing’ operations or in hearts-and-minds schemes to crush the NPA. In many areas, the lines between military and development objectives tend to get blurred, making it difficult for people living in conflict-affected areas to distinguish between them or know the real purpose of the presence of the military and paramilitary groups. Indigenous people not only flee as a direct result of these armed clashes, or in anticipation of them but they are also displaced by the militarisation of their communities and ensuing human rights violations.

It is often hard to disentangle the effects of displacement caused by development projects, by conflict and human rights violation or natural disasters. Irrespective of what caused them to flee, the displaced tend to share a number of common vulnerabilities related to their displacement. All Lumad groups in eastern Mindanao have suffered to a large extent from impoverishment related to the loss of household and productive assets. Like other poor communities displaced in Mindanao, the livelihoods of displaced indigenous people are strongly tied to their land and places of origin. The combination of recurrent external shocks (related to conflict and natural disasters), the absence and/or inadequacy of (usually short-term) assistance, and obstacles to land access and management is what makes so many Lumad IDPs particularly vulnerable in the long-term and prevents them from sustainably reintegrating at their place of origin and enjoying their human rights without discrimination on account of their displacement.

Of utmost importance is the need to work towards building more disaster (natural and man-made) resilient communities. With high poverty incidence, in particular in Lumad areas, and limited economic opportunities and access to basic services, communities are unable to withstand and absorb these recurrent external shocks which contribute to their further impoverishment.

Addressing internal displacement caused by the government-NPA conflict, development projects and natural disasters requires an approach that acknowledges this as a multi-causal and multi-faceted phenomenon. There is an urgent need for analysis of the relation between its

underlying causes and for recognition that responses must be context specific and address the needs of all those impacted by displacement, including host communities. In early 2013, the Philippine Congress took an important step in this direction by enacting an IDP Act which recognises the rights to protection and assistance of all IDPs regardless of what forced them to flee. Unfortunately, the bill was vetoed by the President before it could be signed into law.

While the presidential veto is certainly disappointing, it is essential that efforts are taken to launch a new IDP legislative initiative as soon as possible. Internal displacement is a recurring feature in the Philippines and adequate protection mechanisms need to be put in place to ensure IDPs are able to claim their rights. By giving itself the legislative tools to better prevent and respond to displacement, the government would be addressing one of the key drivers of vulnerability and poverty in the country.

Appendix

1. Survey methodology

The research used a purposive sampling method to select the communities to be surveyed. The sample was selected so as to gain a better understanding of the main assistance and protection concerns faced by communities affected by multiple displacement caused by the government-NPA conflict in eastern Mindanao. A total of five communities were selected based on the following characteristics:

- at least half the population comprised of indigenous people
- at least 50 families displaced at least twice in the preceding five years as a result of AFP-NPA fighting or military/paramilitary presence
- the majority of those displaced having returned home.

The five selected communities are in four provinces (Agusan del Norte (AdN), Agusan del Sur (AdS), Davao Oriental (DO), North Cotabato (NC)). These are provinces in three different regions (Caraga, Davao and SOCCSK-SARGEN). (See map on p.13)

The first questionnaire gathered household level data. The sample size for the household questionnaire was 96 households. The respondents were predominantly male (63 per cent) and heads of households. A total of eighteen different ethnic groups were represented: Manobo (24), Mamanwas (11), Manobo-Tagbawa (eight), Mandaya (eight), Bagobo (six), Kamayao (three), Illongo (two), Diangan (two) and Bawa (two).

The second questionnaire was used to guide focus group discussions (FGDs). FGDs included a group of adult males, a group of adult females, and a mixed group (male and female) of youth participants (aged between eight and 19). Each group had 12 participants on average.

Questionnaire data was complemented by key informant interviews. Persons selected as key informants included mostly chairpersons of barangays, barangay councillors, tribal leaders, teachers and leaders of sitios, a sub-division of a barangay.

Elements comprised in the household questionnaire included information on:

- IDP movement and patterns
- security and protection concerns
- access to land and livelihoods upon return
- access to justice

- prospects for and obstacles to voluntary return, local integration and settlement elsewhere
- IDPs' perceptions on the root causes of the conflict
- how land and property issues relate to capacity to secure ownership of ancestral land

2. Ethical considerations

In order to ensure that the survey was carried out in manner that didn't pose a risk to the security and well-being of the respondents, in particular children, comprehensive and strict ethical codes were followed during the research.

First, informed consent was obtained from all respondents by explaining who carried out the research, what its purpose is and how the results would be used. The questionnaires were anonymous and no personal information was collected. All respondents were given the choice to participate or not in the research. Second, the researchers carefully avoided making false promises or raising hope and made it clear that the survey was not in any way linked to follow-up assistance or development programmes. The Balay Rehabilitation Center had already established a presence in many of the communities, through relief and psycho-social assistance programmes. This facilitated the acceptance of the researchers by the communities and enabled them to work in an atmosphere of confidence and trust. Third, in order to minimise the risks posed by the research on vulnerable children and to ensure that protection issues uncovered by the survey would be addressed, a system of referral was established to deal with "at risk" children including those showing signs of trauma.

3. Limitations of the study

The methodology used the purposive sample to select the communities. Thus the findings of this report are not to be extrapolated or generalised to the entire population affected by multiple displacement in eastern Mindanao. However, our findings can help us better understand the situation of Lumad communities affected by recurrent displacement in eastern Mindanao.

Endnotes

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- 2 WFP, *Philippines: Emergency Response to Typhoon Bopha (locally named Pablo)*, Situation Report No. 12, 18 December 2012, p.1.
- 3 Interaction, *Calling for a comprehensive shelter strategy in Mindanao*, March 2013, p.1.
- 4 IDMC, *Disaster-induced displacement in the Philippines: The case of Tropical storm Washi/Sendong*, January 2013, p.25
- 5 CARHRIHL has specific provisions related to the protection of civilians against forced displacement caused by the conflict (see section III, art.4,15).
- 6 Ancestral domains “refer to all areas generally belonging to [Indigenous Cultural Communities] ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators. Source: Government of the Philippines, Republic Act No. 8371, ‘The Indigenous Peoples’ Rights Act of 1997’, Chapter II, Section 3 a.
- 7 The principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use.
- 8 The acronym CPP/NDF/NPA is widely used in the Philippines to describe the insurgents and their supporters. The National Democratic Front (NDF) was formally established on April 24, 1973 and is a broad umbrella organisation of left-wing groups.
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- 11 *Philippine Star*, Peace talks with NPA hit rough patch, 15 December 2012.
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- 16 *The Philippine Daily Inquirer*, AFP data shows NPA strength hasn’t waned, 11 July 2013.
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- 20 The original mandate of CVOs was to assist CAFGUs. They now act as auxiliaries to the Philippine National Police (PNP) and are assigned to peace and order missions in the barangay. They are officially not involved in counter-insurgency activities but may carry small weapons. They are sometimes used as private armed groups or security guards for local politicians or clans. Source: *Armed violence in Mindanao: HD Centre/IBS, Militia and private armies*, July 2011, p.22.
- 21 National Alliance of Indigenous Peoples Organisations in the Philippines, *The human rights situation of indigenous people in the Philippines*, November 2011, p. 29.
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- 23 International and Interfaith Solidarity Mission (ISM), *In Defense of Indigenous Communities Fighting Impunity, 17-19 November 2012, Preliminary report*, p.2
- 24 ICG, *Ibid.*, p.18.
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The Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, on the request of the Inter-Agency Standing Committee to set up a global database on internal displacement. 14 years later, IDMC remains the leading source of information and analysis on internal displacement caused by armed conflict, generalised violence and violations of human rights worldwide. Since 2009, IDMC has also monitored displacement due to disasters associated with natural hazards.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), many of whom are among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement;
- Researching, analysing and advocating for the rights of IDPs;
- Providing training on the protection of IDPs; Contributing to the development of guides and standards on protecting and assisting IDPs.

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The Balay Rehabilitation Center

The Balay Rehabilitation Center is a humanitarian organisation that contributes to the promotion of the rights of civilians affected by armed conflict, internal displacement, and political oppression. It provides psychosocial and developmental support to those who have been forcibly uprooted by armed conflict or natural disasters, and to those who have been tortured or arrested due to political circumstances. It also has a program in support of peace building and for the promotion of 'children as zones of peace.

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About IDMC

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. For the millions worldwide forced to flee within their own country as a consequence of conflict, generalised violence, human rights violations, and natural hazards, IDMC advocates for better responses to internally displaced people, while promoting respect for their human rights.

IDMC is part of the Norwegian Refugee Council (NRC).

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