

A disaster approach to displacement: IDPs in the Philippines

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In the absence of a national policy on internal displacement, the Philippines has used a disaster management framework to address displacement caused by terrorism-related conflict in Marawi City. Such a response, however, suffers from the absence of a rights-based foundation.

A five-month armed encounter between State armed forces and the Islamic State-inspired Maute Group, which began in May 2017, displaced around 360,000 people from Marawi City in Mindanao in the southern Philippines. These internally displaced persons (IDPs) mainly sought refuge in evacuation centres in neighbouring areas and with family members outside Marawi. According to UN reports of August 2018, over 320,000 IDPs have returned to areas declared safe by the military but full rebuilding efforts are still underway and 69,412 IDPs remain in limbo.¹

The Philippines has no laws relating specifically to IDPs. Instead, legal guidelines for the State's response in cases of displacement are based on the Philippine

Disaster Risk Reduction and Management Act of 2010 (PDRRMA).² This law reconfigures the traditional roles of national and local government agencies, giving them additional responsibility for disaster response. PDRRMA was hailed as a landmark when it was passed but the limitations of this framework are now evident. It is principally about structures rather than rights and standards, about response actors rather than displaced people, and this does not translate into systematic, efficient response; recovery efforts are still created on an ad hoc basis following disasters. Furthermore, it contains no rights language, except in its non-binding declarations. The lack of a clear human rights-based underpinning



UNHCR/Annie Saklib

This evacuation centre in Iligan City, the Philippines, holds 56 families displaced by the Marawi conflict.

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to this legal and institutional framework consequently affects the ensuing planning processes and implementation of response.

Government use of certain disaster funds undergo long procurement and disbursement processes, delaying response provision. The PDRRMA has also provided guidance on the creation of special trust funds for emergency response to which local governments must transfer their unspent balance from previous years, yet some local governments fail to do so, further weakening local capacity to respond.³

PDRRMA regulations forbid IDPs from selling relief goods in exchange for cash, although the goods provided can be of low quality and lack variety. Monitoring by the Philippines' Commission on Human Rights (CHR) shows that needs for goods other than relief items were not being met. In addition, some IDPs said that some service providers threatened to 'blacklist' them from relief provision if they sold items they received. This contravenes Sphere minimum standards which state that IDPs should be allowed to sell goods received in exchange for basic necessities and cash.⁴

Some displaced communities did not have access to livelihood and cash-generating opportunities, hampering their capacity to recover from the crisis. Other evacuation sites did not have facilities for emergency health care. Women and girl IDPs also experienced heightened vulnerability – in particular, to sexual harassment and trafficking – given the lack of gender-sensitive arrangements in evacuation areas (where, for example, there are no partitions between men's and women's latrines which, in some areas, are adjacent to each other). IDPs' movements were restricted and they were frequently asked to present identification documents to authorities, even though their documents had often been lost or destroyed in flight.

Despite the rigid structures outlined by the PDRRMA, camp coordination mechanisms were problematic as there was confusion surrounding which government authorities should lead in coordinating efforts. Local host governments also did not have adequate resources to meet the needs of IDPs.⁵

The national Task Force Bangon Marawi has stepped in to act as the inter-agency, multi-level body to oversee implementation of the response although it, too, has faced challenges. The task force emanates from the Bangon Marawi Comprehensive Rehabilitation and Recovery Program (BMCRRP), the main policy that guides efforts for addressing internal displacement stemming from the Marawi conflict (but which is yet to be fully executed). This task force was formed by President Duterte in July 2017 as an ad hoc response specific to the Marawi crisis, rather than in alignment with the PDRRMA.

The BMCRRP based its programming on post-conflict needs assessments and consultations from community voices – IDPs themselves as well as their representatives and other community stakeholders – in addition to local governments' and other stakeholders' plans. Taking account of the views of IDPs and of community stakeholders is a recognition of the importance of their perspectives for planning and successful implementation. However, the decision-making process remains top-down: these stakeholders did not form part of the institutional structure used to plan and operate the task force.

The Marawi crisis response has been militarised from the start, or at least has a strong military presence. The Department of National Defense, which heads both the Task Force and the implementation of the PDRRMA through the National Disaster Risk Reduction and Management Council, is in charge of IDP rehabilitation and coordinating recovery efforts in Marawi.

Without specific rights, IDPs cannot readily claim particular entitlements from the government, demand concrete actions or engage in dialogue on the standards and quality of responses to displacement. More participative processes and more human rights commitments made at the institutional level could greatly improve the responses to internal displacement in this case. An approach that incorporates the Guiding Principles on Internal Displacement has the potential to facilitate emergency response

and rehabilitation that are efficient and compliant with human rights commitments. Laws on internal displacement have been drafted, including provisions – in line with the Guiding Principles – that would ensure IDPs' access to goods and services, and culpability for those responsible for arbitrary displacement. Those drafts, however, have languished in the Congress of the Philippines for around a decade. Sustained attention and involvement of nationally based human rights agencies and other actors, both local and international, are necessary to help to put such laws into effect.

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1. bit.ly/Philippines-bulletin-August2018
2. www.officialgazette.gov.ph/2010/05/27/republic-act-no-10121/
3. Commission on Audit Report on DRRM Fund (2016)
4. Sphere Project Minimum Standards in Water Supply, Sanitation and Hygiene Promotion, Guidance Note 4, p95
bit.ly/Sphere-Minimum-Standards-WASH
5. The CHR has been undertaking monitoring activities in areas affected by the Marawi crisis, conducted jointly through regional offices of the Commission and the Regional Human Rights Commission of the regional government covering Marawi.

Planned relocation in Asia and the Pacific

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Promising policy developments are underway in Asia and the Pacific to address climate and disaster-related displacement, yet the deeper governance structures required to embed protection are not yet in place, especially for planned relocation. There needs to be greater emphasis on assisting governments to set up inter-ministerial structures equipped to deal with the complex cross-cutting issues that planned relocation involves.

Environmental processes, including climate change and disasters, combine with other pressures to increase displacement risks for vulnerable communities in Asia and the Pacific. Displacement is occurring as a result of frequent sudden-onset disasters (such as cyclones, floods and non-climatic hazards) and slow-onset processes (such as sea-level rise). Although relocation is considered an option of last resort, spontaneous community-led migration and government-supported 'planned' relocations are taking place in both rural and urban areas, as populations look for safer, more productive land and alternative livelihoods.

The complex process of relocation involves intersecting political, environmental, legal and social issues, including difficult negotiations between authorities, displaced and host communities about land, housing

and property. It also requires protections to be established to minimise the often harmful impacts of relocation.¹

Historically, there has been inadequate community consultation (particularly engagement with women and marginalised groups) in government-led relocation schemes, which also often have limited complaint mechanisms, poor site selection and minimal recovery support. Communities seeking to relocate often receive only limited guidance from national and local authorities about the procedure for relocation, how to access services in new locations and how to negotiate new land arrangements. This results in multiple challenges in new locations, including difficulties re-establishing livelihoods, problems accessing basic services, conflicts with host communities and disruption to education and health care. Loss