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SENATE

P.S. RES. NO. 195

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Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE SENATE COMMITTEES ON JUSTICE AND HUMAN RIGHTS, AND CULTURAL COMMUNITIES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ROOT CAUSES OF INTERNAL DISPLACEMENT OF INDIGENOUS CULTURAL COMMUNITIES (ICCS)/INDIGENOUS PEOPLE'S (IPS) WITH THE END IN VIEW OF ENACTING LEGISLATION TO UPHOLD RIGHTS OF INTERNALLY DISPLACED PERSONS (IDPs)

1 *Whereas*, Article II, Section 22 of the 1987 Constitution states that "[t]he State
2 recognizes and promotes the rights of indigenous cultural communities within the
3 framework of national unity and development";

4 *Whereas*, Article XII, Section 5 of the same provides that "[t]he State, subject
5 to the provisions of this Constitution and national development policies and
6 programs, shall protect the rights of indigenous cultural communities to their
7 ancestral lands to ensure their economic, social and cultural well being";

8 *Whereas*, Republic Act No. 8371, also known as the "*Indigenous People's*
9 *Rights Act of 1997*" further provides that the State shall protect the rights of
10 Indigenous Cultural Communities (ICCs)/Indigenous People's (IPs) to their ancestral
11 domains to ensure their economic, social and cultural well being and shall recognize
12 the applicability of customary laws governing property rights or relations in
13 determining the ownership and extent of ancestral domain;

14 *Whereas*, according to the United Nations Guiding Principles on Internal
15 Displacement, internally displaced persons (IDPs) are "persons or groups of persons
16 who have been forced or obliged to flee or to leave their homes or places of habitual
17 residence, in particular as a result of or in order to avoid the effects of armed conflict,
18 situations of generalized violence, violations of human rights or natural or human-
19 made disasters, and who have not crossed an internationally recognized border"¹;

¹ Retrieved from <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx>

1 Whereas, reports from local and international human rights groups show that
2 the indigenous cultural group and Lumad in Mindanao have been displaced from
3 their ancestral lands and were forced to live in evacuation centers or temporary
4 shelters as a result of development aggression such as mining activities coupled with
5 military operations in support thereto;

6 Whereas, the UNHCR report revealed that in 2015, in Mindanao alone, a total
7 of 407,397 persons have been forced to flee their homes, of which around 37,000
8 persons have been repeatedly displaced mostly because of armed conflict, clan war,
9 and generalized form of violence including human rights violations².

10 Whereas, further, these conflict-related displacements recorded an increase of
11 127% compared to 2014;

12 Whereas, the displaced indigenous people (IP) and Lumad themselves have
13 vehemently blamed the government's counter-insurgency program in support of the
14 unregulated mining operations, land conversions and pillaging of natural resources
15 in their ancestral domains as members of the communities fall victim to
16 displacement and numerous human rights violations, such as arbitrary detention,
17 persecution, killings of community representatives, demolition of houses, destruction
18 of property, rape, and forced recruitment but the perpetrators – state as well as
19 private armed forces – are usually not held responsible;

20 Whereas, under the doctrine of "*parens patriae*", the government as the legal
21 protector of citizens who are unable to protect themselves, should address the plight
22 of the displaced ICCs and IPs vis-à-vis the harmful effects of disasters, militarization
23 and development aggression in their communities;

24 Whereas, the official statement of the UN Special Rapporteur on Internally
25 Displaced Persons³ on his visit in the country in 2015 states that the [Philippine]
26 Government should ensure that the rights of IDPs will be upheld, whether displaced
27 by natural disaster, conflict or development, and that for a country prone to disasters
28 and the displacement effects of long-standing conflicts, it is essential to enshrine the
29 rights and protection of IDPs into law;

30 **NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to direct the
31 Committees on Justice and Human Rights, and Cultural Communities to conduct an
32 inquiry, in aid of legislation, on the root causes of internal displacement of
33 indigenous cultural communities (ICCs)/indigenous people's (IPs) with the end in
34 view of enacting legislation upholding rights of internally displaced persons (IDPs).

Adopted,


LEILA M. DE LIMA

² http://unhcr.ph/_cms/wp-content/uploads/2015-Mindanao-Philippines-Forced-Displacement-Report_Final-HR3.pdf

³ Retrieved from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16280&LangID=E>