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Martial Law and Trust: Humanitarian Challenges in Marawi

By Martin Searle

Synopsis

The decision to invoke martial law in Mindanao, Philippines, entailed a familiar quandary between military expediency and maintaining relationships of trust between state institutions and society. Mindanao's experiences in this regard demonstrate the importance of fully independent and neutral humanitarian aid in maintaining that trust.

Commentary

FOLLOWING THE outbreak of violence in Marawi City on 26 May 2017, the Philippine authorities coordinated the setup of several evacuation centres in the province of Lanao del Norte, mostly in and around nearby Iligan City. From 29 May, they began receiving support from the Mindanao Humanitarian Team, which comprises several UN agencies as well as international and local non-governmental organisations.

Later, the ASEAN Coordinating Centre for Humanitarian Assistance in Disaster Management (AHA Centre) deployed its first conflict-related humanitarian response, which is to be welcomed. Further donations have come from several countries, including Malaysia, Singapore, and from further afield.

Challenges from Displacement

The speed and scale of displacement resulted in several substantial challenges, in particular water and sanitation. For example, Balo-i evacuation centre for some time had only two toilets shared by approximately 1,000 people; the minimum accepted standard is one toilet per twenty people.

In addition, jurisdictional problems stemmed from basing the humanitarian response in Lanao del Norte, which remains a constituent part of the Philippine federal hierarchy,

while operations were entirely within Lanao de Sur, which is part of the autonomous region of Mindanao. Nonetheless, the short-term state-led response to the humanitarian crisis is reported by agencies on the ground to have been generally well conducted.

Independently, the International Committee of the Red Cross (ICRC), that had a team conducting an unrelated distribution in nearby Butig at the moment that hostilities began, were able to mobilise very quickly. Together with the Philippine Red Cross, they mounted humanitarian operations between Iligan City, Marawi City, and areas outside of Marawi City where many of those displaced had fled, providing evacuation, healthcare, shelter, and food distributions.

Such independent and neutral components of the humanitarian response are always important. However, due to its potential impact on trust between communities and the state, martial law has rendered aid that is separate from both state authorities and the UN – which itself is a state-led inter-governmental organisation – crucial.

Trust and Receiving Aid

Martial law's suspension of several civil and legal rights creates specific difficulties for state agents seeking to provide aid. Evacuees have expressed to some non-governmental organisations engaged in the response that they fear arrest simply for having come from Marawi. These concerns are exacerbated by the fact that many left without identification documents, and talk of terrorists mixing amongst those fleeing the city alongside unconfirmed rumours that subsequent mass arrests have already been carried out.

In such a tense environment, some predictably avoid police and other government employees, including those providing aid, as a precaution. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported one month into the emergency that 94% of displaced were lodging with other residents in Iligan City, rather than in the government-run evacuation shelters.

While the proximity of Marawi and Iligan cities mean many of those fleeing likely had personal networks to host them, this is still strikingly high. No matter how well the state provision of aid is managed, trust may not be forthcoming, particularly following the trauma of such a sudden attack and escape, and the uncertainty and tension that follows.

By creating space for independent and neutral organisations, the state likely mitigated the impact of this challenge. This is particularly evident in Saguwaran, to the northwest of Marawi City, where 30,000 people fled after violence broke out. Together with the 15,000 pre-existing residents they were largely cut off from assistance; the area was considered too dangerous. The ICRC was able to negotiate safe passage relying on pre-established recognition of its independence and neutrality. The water and sanitation systems it was able to put in place likely averted a significant disease outbreak.

Trust and Negotiating Access

Martial law can complicate these access negotiations. As this is a non-international armed conflict, international humanitarian law does not require the state to facilitate humanitarian access. States face a dilemma: having independent humanitarian organisations negotiate access to opposition-held areas risks a diversion of aid towards their opponents' war effort; it provides an element of legitimacy to secessionist groups by creating a formal relationship between them and other recognised global governance institutions; and it further helps them provide services characteristic of government, important in any effort for hearts and minds.

This could lengthen the conflict. However, prohibiting contact denies assistance to people trapped in territory temporarily under opposition control. This can further play into narratives that the state does not care about those local populations, thus losing hearts and minds. Again, this can prolong fighting.

The Philippines has experience with this dilemma. There are four active non-international armed conflicts on Mindanao. Some have been running for many years. Over time, the state has allowed ICRC to develop requisite relationships with the Philippine civil and military sectors and, crucially, with armed opposition groups also. These relationships – generated by local ICRC staff members – were critical for the organisation to get access so quickly to places others, including state personnel, simply could not.

Trust and Martial Law

Martial law impacts these relationships.

Several members of the Maute group have been arrested and found with numbers of ICRC personnel in their mobile phones. This might ordinarily be considered grounds for suspicion, which is further exacerbated by community tensions following the violence and the suspension of several rights and protections under martial law.

Without pre-existing trust between humanitarian workers and the military, such suspicion would likely have ended attempts to negotiate access to areas where opposition groups are present.

These considerations demonstrate the primacy of trust under conditions of martial law. While aid is no universal panacea for this, humanitarian assistance that is independent of states and neutral to their endeavours bolsters that trust. The navigation of this period of martial law in Mindanao, while still ensuring meaningful humanitarian aid is delivered and expanded, is the result of trust born of long-term and strategic engagement between humanitarian groups, including international ones, and the Philippines.

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