

Steps taken to ensure implementation of international humanitarian law in the Philippines

by

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RESPECT for the life and the dignity of every individual is deeply imbedded in the Filipino culture, so much so that while the country's history has been marked by several armed struggles to liberate its people from colonial masters, armed confrontation is regarded only as a last resort. Since the Philippines attained independence in 1946, political dissent has escalated from time to time into bloody encounters between government forces and insurgent groups, and many Filipinos have experienced the horrors of war. Innocent civilians, whose lives are supposed to be protected, have been helpless victims of atrocities.¹

This characteristic of the internal conflict in the Philippines, where there is no official state of war and where ordinary penal laws are applied to the insurgents and their supporters, is precisely the reason why

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¹ Z. Lee and M.C. Gastardo-Conaco, *Peace Zones in the Philippines*, 1994.

considerations of human rights and those of international humanitarian law are closely related in Philippine practice. Directives from the Philippine government and the Armed Forces of the Philippines (AFP) to the troops in the field refer to both human rights and principles of international humanitarian law without distinction. In peace negotiations between the government and the insurgents the two sides have combined human rights and international humanitarian law as a single issue in the negotiations. This runs counter to the traditional distinction by which international humanitarian law is applicable in times of war while human rights principles are applicable during times of peace.

The Philippines is party to the four Geneva Conventions for the protection of war victims (of 12 August 1949), to Additional Protocol II applicable in non-international armed conflicts (of 8 June 1977), to various human rights instruments – including the International Covenant on civil and political rights and the International Covenant on economic, social and cultural rights (both of 16 December 1966) – and to other major conventions.

The Philippine government's formal commitment to the principles of human rights and international humanitarian law has been translated into municipal law, the foremost example of which is the 1987 Philippine Constitution, which has often been referred to as a human rights constitution. A number of proclamations, memoranda, orders, circulars, and other executive statements reflecting this commitment were likewise promulgated under the presidency of President Corazon C. Aquino, at the height of the insurgency in the late 1980s. These were aimed at regulating the conduct of military operations by providing specific guidelines to the military and civilian officials for the government's counter-insurgency campaigns, during which civilians were most exposed to abuses by both the soldiers and the insurgents.²

In response to accusations of military abuse, President Aquino issued Memorandum Order No. 393 directing the AFP and the Philippine National Police (PNP) "to reaffirm their adherence to the principles of humanitarian law and human rights in the conduct of security/police operations".³

² A. T. Muyot and A. T. B. del Rosario, *The humanitarian law on non-international armed conflicts: Common Article 3 and Protocol II Additional to the 1949 Geneva Conventions*, 1994, p. 67.

³ *Presidential Memorandum Order No. 393*

directing Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to reaffirm their adherence to the principles of humanitarian law and human rights in the conduct of security/police operations, of 9 September 1991.

On the other hand, the National Democratic Front (NDF), besieged by similar accusations of abuse, unilaterally declared its adherence to the principles of human rights and international humanitarian law.⁴

Early in 1998, the negotiating panel representing the Philippine government and the NDF signed the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL).⁵ The agreement seeks among other things to protect innocent civilians who are caught in the crossfire and combatants who have ceased to take part in hostilities.

Implementation of international humanitarian law : general consideration

The 1987 Constitution encapsulates the common concern of the Filipino people for the dignity of the individual and his basic rights. Article II, section 11 stipulates that “the State values the dignity of every human person and guarantees full respect for human rights”. Article II, section 2 states that, as a matter of principle, the Philippines “renounces war as an instrument of national policy... and adheres to the policy of peace, equality, justice and freedom ...”. Article III provides for a comprehensive Bill of Rights which echoes the rights laid down in international instruments.

Worded in general terms, the rights guaranteed under the above-mentioned Bill are thus afforded to each citizen without “distinction as to race, sex, color, religion, or political persuasion”. Hence, every person, regardless of whether he is an insurgent or an innocent civilian, is guaranteed these rights.⁶

Distinction between civilians and combatants

In armed conflict, distinguishing between civilians and combatants is the principle that guides the conduct of military operations. The general rule is that the civilian population must be protected during military operations. There may even be instances where the safety of civilians is considered paramount even at the cost of allowing the insurgent forces to escape.

⁴ Letter to the Government of the Republic of the Philippines, 23 December 1986.

⁵ Signed on 16 March 1998 in The Hague (Netherlands). On file with the authors and the Review.

⁶ *Memorandum on the reaffirmation to the adherence to the principles of humanitarian law and human rights*, Order No. 393, 4 November 1991.

The objective is to ensure that the civilian population is spared the dangers arising from such operations.⁷

During the operation itself, members of the AFP and the PNP are required to exercise utmost restraint and caution. While the use of armed force may be necessary to accomplish the mission, it must nevertheless be directed only against hostile elements and not against civilians or non-combatants.⁸ These same basic rules are set out in the Code of Ethics of the Armed Forces of the Philippines.⁹ While it is true that once the safety of the troops is jeopardized self-preservation becomes their primary concern, this should be done through the judicious use of force so as to avoid or lessen material damage and civilian casualties.

For their part, the insurgents have their own set of rules to follow in the conduct of hostilities against government forces. The NPA's Basic Rules state that "all officers and men are prohibited from committing the slightest damage against the interest of the masses".¹⁰

Both the government and the insurgents have thus promulgated rules to protect civilians. But implementing those rules is complicated by the nature of the conflict, which is a battle for the hearts and minds of the people. The policy of involving civilians or drawing support from them for the struggle has made it inevitable that civilians are then suspected of supporting one side or the other. This has made the principle of distinguishing between civilians and combatants difficult to apply and very easy to breach.

Special protection for children

Children, who usually know nothing about what is happening around them, are the most vulnerable of all to the ill-effects of armed conflict. Thus, Republic Act No. 7610 was enacted by the Philippine Congress to protect children against abuse, exploitation and discrimination. The law contains provisions for the protection of children who are victims of armed conflict or who might be involved in the fighting. As an added measure of

⁷ *Letter directive to commanders of major services and area commands, re: Protection of children in armed conflict*, 27 September 1991, Office of the Chief of Staff, 1991, pp. 31-32.

⁸ *DND-DILG Joint Circular No. 2-91* (1991). This circular provides for implementing guidelines regarding Order No. 393 which directs all units of

AFP and PNP to reaffirm their adherence to the principles of international humanitarian law, *op. cit.* (note 6).

⁹ *Armed Forces of the Philippines, Code of Ethics*, Art. 3, sec. 2.16.

¹⁰ *Basic Rules of the New People's Army*, Principle IV, point 3, at 6.

protection, the law declares children to be “peace zones”,¹¹ stipulating that they may not be the object of attack and are entitled to respect and special protection from any form of threat, assault, torture or other cruel, inhumane or degrading treatment. Further, the law prohibits the recruitment of children into the AFP, or its civilian units, or other armed groups including insurgents. Children may not take part in fighting or be used as guides, couriers, or spies. Finally, the law states that children must be given priority during evacuations that result from hostilities.¹²

If and when children have been involved in armed conflict, whether as spies, couriers, guides or combatants, they have the following rights: the right to separate detention facilities, free legal assistance, notification of their parents if they are arrested, and release into the protective custody of the Department of Social Welfare and Development.¹³

Guidelines for the conduct of warfare and use of weapons

Precautions in attacks

A joint circular from the Department of Interior and Local Government and the Department of National Defense outlines some important rules and precautions that their personnel should take during military operations. When the use of armed force is inevitable, utmost restraint must be exercised and only reasonable force necessary for mission accomplishment must be used. This must be directed only against hostile elements and not against civilians or non-combatants.¹⁴

If engaged in actual combat where the safety of the unit is endangered, the commander may selectively apply the available means to defend his unit or position. However, he must exercise utmost care in preventing civilian casualties or material damage.¹⁵ In addition, commanders must coordinate with local government officials and the government agencies concerned beforehand to prepare for urgent delivery of services to the areas to which civilians are to be temporarily evacuated for their safety.¹⁶

¹¹ Republic Act No. 7610 (1992), Art. 10, sec. 22.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Op. cit.* (note 8), sec. 1 a(2).

¹⁵ *Ibid.*, sec. C, par. 5.

¹⁶ *Ibid.*, sec. 3, par. c.

“Stay-put policy”

A directive from the military to area commanders emphasizes that, during an operation, the inhabitants of an affected area should as a general rule be allowed to remain in their residences (“stay-put policy”). This is primarily due to the difficulty of controlling large-scale movements of civilians.¹⁷ But during combat operations, movements of civilians can occur. Plans must therefore be drawn up to anticipate this problem and to prepare the armed forces by assigning tasks to particular units. Such tasks must be coordinated with the civil authorities. In some instances, the military may be allowed to take direct control of the movements and place the civilians in holding areas until they can be returned safely home.¹⁸

This directive also stipulates that before conducting an operation, a plan must be drawn up containing measures to enforce the “stay-put policy”.¹⁹ A survey must be conducted to determine which areas are most suitable for evacuation.²⁰ Moreover, military personnel that are to be deployed must be briefed prior to their assignment. The briefing must stress the importance of proper conduct towards the civilian population.²¹ Finally, medical teams must be made available to provide emergency medical attention or evacuation to injured civilians caught in crossfire.²²

Prohibited weapons

The use of armed force is restricted to military objectives. As such, artillery fire, which may cause unnecessary damage and casualties, is subject to the approval of the tactical commander concerned or his deputy. The deputy commander must not be lower in rank than brigade commander or its equivalent. Mortar fire may be resorted to only with the approval of or on orders from the battalion commander concerned, his executive officer or an officer of equivalent command level.²³ Preparation fire may be delivered only against confirmed hostile positions prior to attack or other offensive action, and then only subject to the approval of or orders from the brigade commander or an officer of equivalent command level. Airstrikes may be

¹⁷ *Military Directive to commanders of major services and area commands, regarding the protection and rehabilitation of innocent civilians affected by AFP counter-insurgency operations*, of 15 July 1988, sec. 3.

¹⁸ *Ibid.*, sec. 3, par. d.

¹⁹ *Ibid.*, sec. 4, par. a.

²⁰ *Ibid.*, sec. 4, par. b.

²¹ *Ibid.*, sec. 4, par. c.

²² *Ibid.*, sec. 4, par. d.

²³ *Op. cit.* (note 8), par. 2, sec. c (3).

used only under extreme circumstances. Targets must be carefully evaluated by the close air-support commander for approval by the area commander.²⁴

The use of weapons that cause unnecessary suffering or superfluous injury is generally prohibited. Members of the AFP are prohibited from using aerial, naval or artillery fire for interdiction and harassment, especially when the fire missions are unobserved and near populated areas, and when civilian casualties or material damage are likely to be incurred.²⁵ The use of weapons that are by nature indiscriminate is likewise prohibited. Hence specific restrictions are provided for the use of certain weapons which cause unnecessary damage and casualties.²⁶

Negotiation with the other side

Government troops are directed to negotiate with the other side in cases of threatened armed confrontation and to respect the white flag of truce at all times. An intermediary panel composed mainly of local political and religious leaders usually facilitates local negotiations between government troops and insurgent groups.²⁷ Government representatives also negotiate cease-fire agreements in order to prevent undue damage to the government's economic programmes and to allow everyone to celebrate holidays such as Christmas in relative peace.

Prohibition on pillage

Pillage is prohibited and is punishable under the Articles of War.²⁸ It is considered an act unbecoming of an AFP officer.²⁹ Hence, to protect troops from charges of looting, abuse and other forms of misbehaviour, civil relations units in the military are directed to immediately conduct a survey of the residents after the operation and properly document their findings.³⁰

²⁴ *Ibid.*, sec. c (4).

²⁵ *Ibid.*, par. 2, sec. c (1).

²⁶ *Ibid.*

²⁷ In a recent case of bombing which caused the death of 11 civilians in Buldon Maguindanao, both the military and the Moro Islamic Liberation Front agreed to let an independent group led by Eliseo Mercado conduct its own investigation. This occurred after the military rejected the Commis-

sion on Human Rights' report, which assigns responsibility to the members of the AFP. Father Mercado is a well-known religious peace negotiator in Cotabato City.

²⁸ *Articles of War*, Art. 76.

²⁹ *AFP Code of Ethics*, Art. 5, sec. 4 (4.2.3).

³⁰ *Op. cit.* (note 17), sec. 4, par. i.

Identification

Members of the AFP and the PNP are directed to respect all persons and objects displaying the red cross emblem, the white flag of truce or emblems designating cultural property.³¹

Private physicians and other health-care personnel visiting or treating detainees are required to submit two photocopies of an identification card containing the holder's photograph which is issued by the Professional Regulation Commission 24 hours before the visit except in medical emergencies.³² Civil defence personnel and members of the media are also issued with identity cards.

Specific protection

Protecting the civilian population against starvation

In a directive to all its commanders in the field, the AFP has recognized the need to reduce the social costs of armed conflict in the conduct of its counter-insurgency campaigns. Guidelines therefore prohibit preventing government agencies in charge of delivering goods and services from entering the areas concerned and thus unduly delaying the transport of agricultural, industrial and commercial products intended for use by the residents as part of the normal flow of commerce. The directive also stipulates that medical supplies and personnel, foodstuffs and other basic necessities should be allowed to enter freely for the use of the people. However, in actual tactical operations, such movements may be controlled as the situation requires.³³ Nevertheless, Memorandum Circular No. 139 provides for exceptions to be made to this control of basic necessities in order to avoid the starvation of civilians.³⁴

Another directive states that, when operations have ended, coordination and liaison with national and local government agencies should be pursued to ensure rapid assessment of damage, restoration of utilities, rescue, evacuation and hospitalization, provision of food and other essential supplies, including emergency facilities for food preparation, and recovery and disposal

³¹ *Op. cit.* (note 8), No. 2-91, sec. a (5).

³² Guidelines on visitation of detainees by private physicians and other health personnel, para. 3 and 4.

³³ AFP GHQ Letter/Directive to commanders of major services and area commands, re: Facilitating delivery of goods and services to the country-

side (1990). See also *Executive Order No. 309 (1987): Reorganizing the Peace and Order Council*; and *Office of the President, Memorandum Circular No. 139 (1991) prescribing the guidelines for the implementation of Memorandum Order No. 398.*

³⁴ *Ibid.*

of the dead.³⁵ It also states that objects indispensable for survival should not be the object of attack.³⁶

Protection from attack on medical and religious personnel and medical facilities

Medical and religious personnel and facilities are accorded protection from attack. The Articles of War prohibit attacks against churches, hospitals and other places granted the special privilege of protection.³⁷ Medical personnel are protected when they are providing health services. They may not be made the object of harassment.³⁸

A directive to all major area commands stipulates that medical teams must be made available to provide emergency care or evacuation to injured civilians caught in crossfire.³⁹ In addition, a joint circular requires members of the AFP and PNP to respect all persons and objects bearing the red cross emblem.⁴⁰ Another directive states that people must have unimpeded access to medical supplies and personnel, foodstuffs and other basic necessities.⁴¹

Republic Act 7610 stipulates unhampered delivery of basic services and ensures the safety of those who provide those services. This includes fact-finding missions carried out by the government and non-governmental organizations (NGOs).⁴² The Philippine Human Rights Committee has also directed that non-government health workers must be permitted to go to evacuation centres to render medical and relief assistance. Medical and relief goods must be distributed to evacuees without delay, whether they come from the government or from non-governmental organizations.⁴³

Hostilities may be suspended and special measures such as “corridors of peace” adopted to allow relief supplies to reach children. “Days of tranquillity” (a cessation of hostilities for the purpose of providing health services to civilians in the combat area) are also provided for.⁴⁴

35 *Op. cit.* (note 17).

36 *Op. cit.* (note 8).

37 *Articles of War*, Art. 79. This article punishes the forcing of safeguard or the unlawful attack on buildings, monuments and other structures being given special protection.

38 DFA, DOJ, DLG, DND, DOH Memorandum of Agreement with PAHRA, FLAG and MAG, of 10 December 1990.

39 *Op. cit.* (note 17), sec. 4, par. d.

40 *Op. cit.* (note 8), sec. a (5).

41 *AFP-GHQ Letter/Directive to commanders of major services and area commands, re: Facilitating delivery of goods and services to the countryside*, of 22 September 1990.

42 *Republic Act No. 7610 (1992)*, Art. 10, sec. 22, subsections (c) and (d). See also Art. 1, sec. 3, subsection (c), par. 1.

43 *PHRC Resolution No. 91-001*, of 13 December 1988.

44 *Op. cit.* (note 7).

Military action to aid civilians must also be undertaken promptly after an operation. This includes providing medical care for sick and wounded children and other evacuees, procuring and distributing food and shelter for displaced persons and restoring vital facilities.⁴⁵

Protecting cultural objects

A joint circular requires of the AFP and PNP that they respect all persons and objects bearing emblems designating cultural property.⁴⁶ It is worth mentioning that the Philippines is a signatory to both the Convention for the protection of cultural property in the event of armed conflict and to the Protocol on the protection of cultural property in the event of armed conflict. However, it has yet to ratify either instrument.

Treatment of the individual in connection with armed conflict

Obligation to give quarter

Members of the AFP and the PNP have the duty to give quarter during security or police operations. They are also prohibited from mistreating innocent civilians and hostile or lawless elements who are considered *hors de combat*. Individuals to whom the AFP and the PNP must give quarter include those who are wounded, captured or who have surrendered.⁴⁷ The AFP and the PNP are directed to respect the white flag of truce at all times⁴⁸ and to attack only hostile elements – not civilians or non-combatants.⁴⁹

Instructions to military commanders require the necessary precautions to be taken for the protection of innocent civilians, treatment of the wounded and the recovery of bodies.⁵⁰ The directive requires the armed forces to coordinate their actions with the various government agencies providing aid to those affected by the operations. A joint circular lays down rules of conduct for soldiers and police during security or police operations, the objective being to prevent abuses and reduce the toll in lives and property.⁵¹

⁴⁵ *Ibid.* See also “AFP Task Force holds med mission”, *Manila Bulletin*, 27 November 1996; and Proc. No. 523 (1995): Proclamation declaring the existence of a state of calamity (man-made) in the Province of Basilan.

⁴⁶ *Op. cit.* (note 8)

⁴⁷ *Ibid.*

⁴⁸ *AFP Code of Ethics*, Art. 5, sec. 2 (4.5).

⁴⁹ *Ibid.*, Art. 3, sec. 2 (2.16).

⁵⁰ *Military instructions to all major service and area commanders, re: Safety of innocent civilians and treatment of the wounded and the dead*, of 6 September 1989.

⁵¹ *Op. cit.* (note 8), sec. a(3).

Persons in detention or otherwise in the hands of a hostile party

The 1987 Philippine Constitution states in Article III, section 12 that torture, force, violence, threats and other similar means may not be used against an accused person or a detainee. This provision also prohibits secret places of detention, solitary confinement, incommunicado or other similar detention. Confessions obtained in violation thereof are inadmissible as evidence in any court, whatever the proceedings.⁵² Moreover, all units of the AFP and PNP are given specific instructions on procedures for arrest and detention.⁵³

The law allows relatives, friends and legal counsel of detainees or arrested persons access to the detention centre or jail where they are being held. Physicians and health-care personnel also have access under a joint circular of the Department of National Defense and the Department of the Interior and Local Government.⁵⁴ Regional commanders are held responsible for assisting families and lawyers in locating the detainees. There is also Republic Act 7438, on the rights of an individual under custodial investigation, section 2(f) of which states that detainees have the right to be visited by members of their family, representatives of NGOs and officials of the Commission on Human Rights.⁵⁵

Release and return

A resolution was adopted by the Philippine House of Representatives on 21 December 1995 urging the President to release the “remaining 218 political prisoners still languishing in 52 different penal colonies, regional and provincial jails and other detention centers throughout the country”.⁵⁶

⁵² *Philippines Constitution*, Art. III, sec. 12 and 19.

⁵³ *Directive of 1 November 1991*, sec. 3 (b). *Directive re: Memo Order No. 393*, of 9 September 1991. See also *Memorandum on the strict observance of human rights*, MND Memorandum of 20 March 1982, par. 2. — In response to complaints about torture or maltreatment allegedly inflicted on persons arrested or investigated, especially those suspected of committing crimes against national security, this memorandum directs all units of the AFP to turn arrested persons over

to higher authorities after an arrest. It also provides that no detainee shall be with the arresting officer for more than eight hours during any given day. Medical check-ups are mandatory.

⁵⁴ *Op. cit.* (note 8), sec. b (2).

⁵⁵ *Republic Act No. 7438 (1992)*, sec. 2(f). An Act defining certain rights of persons arrested, detained or under custodial investigation as well as the duties of the arresting, detaining, and investigating officers and providing penalties for violations thereof.

⁵⁶ *H. Res. No. 27. Tenth Congress (1995)*.

The President has issued guidelines for the granting of bail, release and/or pardon of persons detained and/or convicted of crimes against national security and public order and for cases in which the Articles of War have been violated. The first paragraph of the guidelines states the categories of persons covered by the guidelines: all persons charged, detained or convicted for violations of the Revised Penal Code, Special Laws (e.g. the Anti-Subversion Law) and the Articles of War.⁵⁷ The Presidential Committee classifies the persons covered by the programme as those charged/detained/convicted for committing (1) crimes against National Security and Public Order (e.g. rebellion and illegal possession of firearms for the purpose of rebellion) or (2) common crimes committed in pursuit of political objectives. However, inclusion in this process depends on whether an application has been properly filed and whether the alleged crime was committed on or before 27 July 1992.⁵⁸ A formal procedure – from the filing of application, meeting of the committees and review until the approval of the President – is also provided.⁵⁹

A report on the peace process released by the Office of the Presidential Adviser reveals that 215 alleged political prisoners had been released as of 10 March 1997: 55 by conditional pardon, 42 by temporary release on recognizance, three on bail, 11 on parole, 43 by court action and 47 as a result of amnesty.⁶⁰

Displacement and treatment of displaced persons

The executive branch of the government has made efforts to enable health-care services to be provided to war-torn areas by coordinating its activities with different NGOs.⁶¹ The tasks involved were further subdivided among the various government agencies. For instance, the Department of

⁵⁷ Office of the President, *Guidelines for the grant of bail, release or pardon of persons detained or convicted of crimes against national security and public order, and violation of the Articles of War*, of 11 August 1992. The same guidelines provide for the application period and the committees to which applications should be submitted.

⁵⁸ Primer by the Presidential Committee for the grant of bail, release or pardon. Document from the files of the Office of the Presidential Adviser on the Peace Process.

⁵⁹ *Ibid.*

⁶⁰ Audit list of alleged political offenders who are no longer in detention centres as of 10 March 1997. Document from the Office of the Presidential Adviser on the Peace Process.

⁶¹ *Op. cit.* (note 38). See also Office of the President, *Memorandum Order No. 257 (1995)*, par. 1, sec. 2, subsection a and c: *Memorandum on continuing the Child Rights Center in the Commission on Human Rights and appropriate funds thereof.*

Social Welfare and Development provides protective custody, treatment and rehabilitative services to child victims and their families while the Department of Justice facilitates the prosecution of cases involving children as victims.⁶²

The Congress, on the other hand, has enacted Republic Act 7610, which provides guidelines regarding the protection of children in armed conflict. It requires action to facilitate the reunification of families temporarily separated by armed conflict.⁶³ Children must also be given priority during evacuations that result from armed conflict. Measures must be taken to ensure that children in evacuation centres are accompanied by persons responsible for their safety and well-being.⁶⁴ Finally, the Act also states that, whenever possible, members of the same family must be housed in the same premises, be given accommodation separate from other evacuees and be provided with the facilities needed to live a normal family life. Children, expectant mothers and nursing mothers must be given additional food in proportion to their physiological needs. The children must have opportunities for physical exercise, sports and outdoor games.⁶⁵

The AFP has issued its own directives to field commanders regarding evacuations and displaced persons. Displaced persons are allowed or persuaded to return to their homes. This lessens the time they spend under the commander's responsibility and reduces the danger of contracting diseases.⁶⁶ In addition, "hamleting" is forbidden in order to prevent the spread of disease.⁶⁷

Conclusion

As the foregoing makes clear, the Philippines is not lacking in rules to implement the norms of international humanitarian law in relation to the violence besetting the country. It can safely be said that with the sheer number of these rules, our legal system is replete with proof that the government and the Filipino people in general are deeply concerned about the ill-effects of violence and conflict. It should be noted that most of these rules were promulgated as a result of intense lobbying by NGOs and other cause-oriented groups that had developed quite a sophisticated system of documenting abuses.

These groups have also urged the creation of "peace zones":

⁶² *Ibid.*

⁶³ Republic Act. No. 7610, Art. 10, sec. 22 (f).

⁶⁴ *Ibid.*, sec. 23.

⁶⁵ *Ibid.*, sec. 24.

⁶⁶ *Op. cit.* (note 17).

⁶⁷ PHRC Resolution No. 91-001, of 13 December 1988.

⁶⁸ *Op. cit.* (note 1), pp. 6-7.

communities declared to be safe havens for civilians and thus free of any form of armed confrontation. The concept of peace zones is an area-based, community-initiated, non-violent approach to the insurgency problem in the country. It includes cease-fires that come about when all combatants are called upon to withdraw from the peace zone. Thus, peace zones are generally regarded as an emphatic assertion of the people's basic rights and authority.⁶⁸

Another positive development is the recent signing by the government and the insurgents of the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law as a first step towards ending armed hostilities. Although divided by divergent political ideologies, it is a reassuring sign that both camps are at least united in acknowledging that in between them are civilians who ought to be protected and spared the inhumanity of war.

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Résumé

La pratique du droit international humanitaire aux Philippines

par ALBERTO T. MUYOT et VINCENT PEPITO F. YAMBAO

Dans cet essai, les auteurs décrivent la position des différents acteurs du conflit qui sévit depuis des années aux Philippines. Il apparaît d'emblée que le gouvernement a toujours invoqué, à la fois, le droit international humanitaire et les règles internationales protégeant les droits de l'homme. De même, les partenaires aux négociations pour la paix n'ont jamais fait la distinction entre ces deux régimes juridiques. Les auteurs procèdent ensuite à une analyse approfondie des mesures prises par le gouvernement ou par les forces armées pour faire respecter les obligations internationales dans les actions entreprises pour combattre la violence dans le pays. Ils arrivent à la conclusion que les règles juridiques et les instructions ne manquent pas, mais que le respect de celles-ci n'est pas toujours à la hauteur de ce qu'on peut attendre.