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فئات محددة من الجماعات والأفراد

النزوح الجماعي والمشرّدون

تقرير ممثل الأمين العام المعني بمسألة المشردين داخلياً، السيد فرانسيس م. دينغ،
المقدم وفقاً لقرار لجنة حقوق الإنسان ٥٦/٢٠٠٢

إضافة

حالات من التشريد: الفلبين **

* تُعمّم خلاصة هذا التقرير بجميع اللغات الرسمية. ويرد التقرير نفسه في مرفق الخلاصة ويُعمّم باللغة التي قُدِّم بها.

** وفقاً للفقرة ٨ من قرار الجمعية العامة ٢٠٨/٥٣ بء، قُدِّمت هذه الوثيقة في وقت متأخر نظراً للاضطلاع بالبعثة في وقت متأخر.

خلاصة

بناء على دعوة من حكومة الفلبين، قام السيد فرانسيس م. دينغ، ممثل الأمين العام المعني بمسألة المشرّدين داخلياً، بزيارة رسمية لهذا البلد في الفترة من ٦ إلى ١٤ تشرين الثاني/نوفمبر ٢٠٠٢. وتمثّلت أهداف البعثة التي قام بها ممثل الأمين العام في الوصول إلى تفاهم أفضل بشأن وضع المشرّدين داخلياً في الفلبين من خلال إقامة حوار مع الحكومة والمشرّدين داخلياً والمجتمع المدني وفريق الأمم المتحدة في البلاد وشركاء دوليين آخرين، وتقصّي كيفية تعزيز الاستجابة الوطنية والدولية لمحنة المشرّدين داخلياً.

وعلى الرغم من تعدّد أسباب التشريد في الفلبين في الماضي القريب، بما في ذلك الكوارث الطبيعية إلى جانب المشاريع الإنمائية، تركّزت بعثة ممثل الأمين العام على وضع المشرّدين في مينداناو (ثانية أكبر الجزر في الأرخبيل) الناجم عن النزاع المسلّح بين جبهة مورو الإسلامية للتحرير والقوات المسلحة الفلبينية في عام ٢٠٠٠. وتراوح عدد الأشخاص ممّن سُردّوا، حين بلوغ الأزمة لذروتها، بين ٧٠٠ ٠٠٠ ومليون شخص. ومع أن معظم الذين سُردّوا بسبب النزاع الذي دار في عام ٢٠٠٠، قد عادوا منذ ذلك الوقت إلى مناطق سكناهم، لا تزال هناك شواغل بشأن الظروف المعيشية في مناطق العودة ووضع أولئك الذين ما برحوا يعانون التشريد وحالات التشريد الأخرى التي ذُكر أن عمليات مكافحة الإرهاب المستمرة تقف وراء تفشّيها في بعض المناطق من البلاد، بما في ذلك مينداناو.

واتّضح لممثل الأمين العام، لدى إجرائه لمناقشات مع السلطات على الصعيد الوطني والإقليمي والمحلي، أن هناك درجة كبيرة من الوعي فيما بين السلطات الحكومية بشأن وضع المشرّدين داخلياً في الفلبين، وأن هناك عدداً من الخطوات اتُّخذت لمعالجة هذه المشكلة، وبخاصة على الصعيد السياسي. ويتمثّل التحدي الآن في ضمان تنفيذ هذه السياسات على أرض الواقع. وتحقيقاً لهذه الغاية، يقدم ممثل الأمين العام التوصيات التالية:

ردم الهوة بين سياسة الحكومة بشأن المشرّدين داخلياً وتنفيذها على أرض الواقع. بغية تضيق الهوة بين البيانات الإيجابية الصادرة عن الحكومة والظروف على أرض الواقع، هناك حاجة لتعزيز صياغة سياسة وطنية شاملة ومتكاملة وإيضاحها ونشرها على نطاق واسع بشأن حالات التشريد الداخلي. ولا بد أن يعمل ذلك على توضيح استراتيجيات رامية إلى معالجة مشكلة التشريد الداخلي، بما في ذلك تلبية الاحتياجات من الحماية والمساعدة، وتيسير البحث عن حلول دائمة. وتحقيقاً لهذا الهدف، يُوصى بتنظيم مؤتمر وطني بشأن التشريد الداخلي، يشارك فيه ممثلون عن الحكومة على الصعيد الوطني والإقليمي والمحلي، والمنظمات غير الحكومية والمجتمع المدني ووكالات الأمم المتحدة وشركاء دوليون آخرون. وينبغي تعميم ما ينتج عن هذا المؤتمر من سياسات واستراتيجيات على نطاق واسع في جميع أنحاء البلاد، وبخاصة في المناطق التي تتفشى فيها حالات التشريد خارج العاصمة، وعلى وجه التحديد فيما بين جماعات المشرّدين داخلياً.

إنشاء هياكل مؤسسية ملائمة وآلية للاستجابة المنسقة. ينبغي، اعتماداً على الآليات القائمة فعلاً، إنشاء هياكل مؤسسية ملائمة لمعالجة قضايا التشريد مع الحكومة على كافة الأصعدة، (المركزية والإقليمية والمحلية)، بما في ذلك تعيين جهات وصل لتيسير عملية التنسيق داخل الحكومة ومع وكالات الأمم المتحدة وشركاء آخرين في المجتمع الدولي بشأن قضايا تتعلق بالتشريد الداخلي.

جمع البيانات المفصلة بشأن السكان المشردين داخلياً. إن جمع البيانات المفصلة هو أمر ضروري للحصول على معلومات أدق بشأن المشردين داخلياً واحتياجاتهم، وبالتالي لتوجيه الاستجابات على نحو أكثر فعالية. ومن الضروري أيضاً في هذا الخصوص، استحداث نظام لتحديد أعداد حالات التشريد وطابعها التي يُذكر أنها ناجمة عن عمليات مكافحة الإرهاب الجارية حالياً في البلاد.

تعزيز الجهود الرامية إلى تلبية الاحتياجات المستمرة للجماعات المشردة والعائدين. ومع أنه يجري تقديم مستوى كبير من المساعدة للمشردين داخلياً من قبل هيئات حكومية، كإدارة الرعاية والتنمية الاجتماعيتين، فضلاً عن وكالات الأمم المتحدة والأوساط المانحة والمنظمات غير الحكومية، فهناك حاجة مستمرة لتوفير حماية أفضل للمشردين والعائدين والجهات المضيفة. وعلى الرغم من أن الهوة بين السياسات الوطنية ومستوى التنفيذ، لا سيما في مينداناو، جعلت السكان المتأثرين يشعرون بالعزلة والإهمال والغربة، فإن اعتراف السلطات الوطنية بهذه الهوة هو خطوة أولى مهمة ومشجعة نحو تقويم الوضع.

تقديم المساعدة فيما يتعلق بالعودة أو إعادة التوطين أو التكامل المحلي. ولاحظ ممثل الأمين العام، خلال زيارته للمناطق المنكوبة بالتراع في مينداناو الوسطى، أن هناك مساعدات كبيرة قُدمت لإعادة المشردين إلى مواطنهم و/أو إعادة توطينهم. على أنه كان واضحاً، في العديد من المناطق، أن هناك نقصاً في الخدمات الأساسية. وعلاوة على ذلك، فَقَدَ معظم العائدين ممتلكاتهم الضرورية لمعيشتهم، كالحوانات أو الأراضي، خلال الأعمال العدائية. وينبغي للحكومة أن تحدّد كيفية ضمان إعادة هذه الممتلكات إليهم أو تعويضهم عنها، كجزء من استجابتها للتشريد الداخلي. وبالإضافة إلى ذلك، ينبغي لها أيضاً، على ضوء الصدمة النفسية التي تركت بصمتها بجلاء فيما بين بعض المشردين الذين قابلهم ممثل الأمين العام، وما أعربوا عنه في أنه ليست لديهم رغبة في العودة إلى مناطق سكنهم الأصلية حتى تخلو تماماً من التواجد العسكري، أن تقدم دعمها لإعادة توطين وإدماج هؤلاء ممن ليست لديهم رغبة في العودة.

الاستجابة استجابة فعّالة لحالات التشريد الجديدة. ومع أنه يجري البحث عن حلول لأولئك الذين سُردوا في عام ٢٠٠٠، يجب أيضاً الاهتمام بمعالجة حالات التشريد الجديدة الناجمة عن تدابير مكافحة الإرهاب. وعلى الرغم من حساسية مسألة الإرهاب، فإن كلاً من الحكومة والمجتمع الدولي بحاجة إلى اتخاذ تدابير لضمان توفير الحماية ضد التشريد التعسفي وحماية المشردين الجدد وتقديم المساعدة لهم.

نشر وتوفير التدريب على المبادئ التوجيهية المتعلقة بحالات التشريد الداخلي. ينبغي للتدريب الذي يُوفّر في مجال القانون الإنساني الدولي وقانون حقوق الإنسان، بما في ذلك المبادئ التوجيهية، لقوات الأمن والمديرين الإقليميين والمسؤولين الآخرين ذوي الصلة ممّن تشمل مهامهم ونطاق أنشطتهم الجماعات المشردة، أن يعمل على تعزيز وتنشيط فعالية ما تبذله الحكومة من جهود لمعالجة حالات التشريد الداخلي. وعلاوة على ذلك، يمكن لهذه المبادئ التوجيهية أن تكون أداة نافعة للحكومات في وضع سياسات وتشريعات واستراتيجيات من أجل معالجة هذه الحالات، بما في ذلك توفير الحماية ضد التشريد التعسفي وحماية الأشخاص المشرّدين وتقديم المساعدة لهم.

وضع نهج إقليمي. على الرغم من أن مشكلة التشريد الداخلي هي مشكلة محلية، فهناك في الفلبين روابط مهمة ذات صلة بأنماط مشابهة في بلدان أخرى من المنطقة. ومن الجدير بالذكر في هذا الصدد، الإشارة إلى أنه بالرغم من اعتراف الحكومة بمشكلة التشريد الداخلي والحاجة إلى تعزيز دورها في توفير الحماية، فهي تعترف أيضاً بالصلة بين هذه المشكلة في الفلبين والوضع في البلدان المجاورة والحاجة إلى استخلاص العبر والممارسات الطيبة من تجارب هذه البلدان. ويشجّع ممثل الأمين العام الحكومة على اتخاذ إجراءات فيما يتعلق بمبادراتها المقترحة لاستضافة مؤتمر إقليمي بشأن قضايا التشريد الداخلي والهجرة، وهو مستعد للتعاون مع السلطات بخصوص هذه المبادرة.

تعزيز دور فريق الأمم المتحدة القطري وزيادة تقديم الدعم الدولي له. أنشأت وكالات الأمم المتحدة في الفلبين، بضعة أفرقة عمل تبدو كما لو أنها تصلح لأن تكون آليات قيّمة لإيصال شواغلها المختلفة فيما يتعلق بتقديم المساعدة للمشرّدين داخلياً وحمايتهم ومناقشة الاستجابات الملائمة. ومع ذلك، يرى ممثل الأمين العام أن هذه المبادرات بحاجة إلى تقديم دعم مؤسسي أقوى من كافة الشركاء كيما تكون أكثر فعالية.

البحث عن حلول دائمة للتراع. وأخيراً، مع أن تلبية الاحتياجات المباشرة للمشرّدين داخلياً من الحماية والمساعدة حاجة ماسة، يجب التأكيد على أنه في العديد من الحالات، تكون الأسباب الجذرية للتراعات المفضية إلى حالات التشريد الداخلي الفوارق الشديدة المتصلة بالتنوّعات والتهميش والتخلّف والافتقار إلى القدرة على الإدارة المحلية في المنطقة المحرومة. ويجب التطرّق إلى هذه الأسباب الراسخة أيضاً. وينبغي أن يكون الهدف النهائي إيجاد إطار وطني يستوعب كافة الجماعات في البلاد ويضمن كرامة جميع السكان بغض النظر عن عنصرهم أو عرقهم أو دينهم. وشهد ممثل الأمين العام درجة كبيرة من استعداد كلا الطرفين في النزاع لمواصلة جهودهما الرامية إلى حسم النزاع حسماً سلمياً. وكان واضحاً في نفس الوقت، أن هناك حاجة لرفع مستوى الوعي الوطني بالأسباب الجذرية للتراع في مينداناو من أجل تحقيق سلام عادل وشامل ومستديم.

Annex

**REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL
ON INTERNALLY DISPLACED PERSONS**

PROFILES IN DISPLACEMENT: THE PHILIPPINES

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Introduction

1. At the invitation of the Government, the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, undertook an official visit to the Philippines from 6 to 14 November 2002. The objectives of the mission were to develop a better understanding of the situation of internal displacement in the Philippines and, through dialogue with the Government, civil society, the United Nations team in the country, other international partners and internally displaced persons, to explore how to enhance national and international responses to the plight of the internally displaced.
2. In recent years, the Philippines has been undergoing important changes, including wide-ranging economic, social and political reforms. In 2001, the new president, Gloria Macapagal-Arroyo, pledged in her inaugural address to take concrete steps to address two long-standing problems in the country: extreme poverty and the armed conflict in Mindanao. The invitation extended to the Representative came at a crucial time for the Government in its implementation of the above-mentioned changes and can be interpreted as a positive step by the new administration to devote greater attention to addressing the situation of internal displacement in the country. Indeed, the Representative's visit took place at a point when the Government's priorities in addressing the displacement problem in the country were shifting from emergency response to finding lasting solutions. The mission was also timely in light of reports the Representative had received concerning recent events resulting in new displacement in areas experiencing military activity in connection with efforts to combat terrorism.
3. The programme of the visit was coordinated at the local level by the Department for Foreign Affairs, and the Department of Social Welfare and Development (DSWD), with the cooperation of the Office of the United Nations Resident Coordinator in the Philippines, and in close consultation with the Permanent Mission of the Philippines in Geneva and the Office of the High Commissioner for Human Rights. The Representative would like to express his appreciation to the authorities at all levels, in particular for their openness in sharing their views about the problems affecting internally displaced persons, briefing him on their policies, plans and programmes, and explaining the challenges they face in assisting internally displaced persons. The logistical support provided by the Government, including local authorities, the Office of the United Nations Resident Coordinator and others was also much appreciated.
4. Due to the vast expanse of the geographic area concerned, a comprehensive field visit to all areas of internal displacement and return would not have been possible within the time constraints of the mission. The programme included a field visit to the southern Philippines, in particular the Central Mindanao area, where much of the displacement has been concentrated. The Representative regrets not having been able to visit displaced communities in other parts of the country. He also regrets not having been able, for security reasons, to visit Basilan, Sulu and other areas where military operations were reported to be taking place at the time of the visit, which were said to have resulted in further displacement.
5. Prior to and during the mission, the Representative received information from a number of sources regarding displacement in the Philippines and, more specifically, concerning the situation in Mindanao, the second-largest island in the archipelago. Generally speaking, internal

displacement in the Philippines is concentrated in Mindanao and is mostly attributable to the intensification of the armed conflict between the Moro Islamic Liberation Front (MILF) and the Armed Forces of the Philippines in 2000; that year, between 700,000 and a million persons were internally displaced. At the time of the mission, most of those displaced in 2000 had returned. However, new displacement reportedly had resulted from ongoing anti-terrorism operations in some areas of the country, including Mindanao. As of November 2002, there were estimated to be 85,000 internally displaced persons in the Philippines, mostly in central Mindanao.¹ Although the scope of displacement in the Philippines is relatively small compared to many other countries, the Government nonetheless faces a serious challenge in discharging its responsibility to protect and assist the displaced as well as to seek durable solutions to their plight.

6. The Representative is of the view that the Government has shown commitment to resolving the displacement situation resulting from the conflict in 2000. Nonetheless, there are concerns about conditions in areas of return as well as the situation of those displaced persons who are still unable to return due to fears for their physical security. Moreover, significant concern was expressed about the recent waves of displacement and in particular the need to provide protection to the newly displaced.

7. This report presents the Representative's assessment of the situation of internal displacement in the Philippines based on his exchange of views with national, regional and municipal authorities, representatives of United Nations and other international humanitarian, human rights and development agencies and programmes, as well as non-governmental organizations, civil society and internally displaced populations. Section I of the report provides a brief overview of internal displacement in the Philippines. Section II reports on the mission and its findings, in particular as regards addressing the current conditions of the displaced as well as supporting durable solutions, namely: return, local reintegration or resettlement. In the final section, the report provides measures for enhancing national and international responses to internal displacement in the Philippines, including recommendations designed to foster closer cooperation among the various actors, specifically the Government, local civil society and the international community. The Representative also calls for greater emphasis on addressing the underlying causes of displacement in the country.

8. In the course of his discussions with the authorities, the Representative learned of the various steps recently undertaken by the Government to promote democratic values and respect for fundamental rights and civil liberties. He noted, in particular, that certain institutional arrangements had been put in place to provide needy populations with protection and assistance. However, there was a discernible gap between official policy and statements for addressing internal displacement and actual implementation on the ground. Although a significant level of assistance was being provided to the internally displaced, there was a continuing need for protection of displaced persons, returnees and those resettling in other communities. The gap between stated policy and implementation, particularly as regards protection, had led many of the displaced to feel isolated, neglected and alienated, especially in the most affected areas (i.e. Mindanao). While effectively addressing internal displacement remains a challenge for the country, it should be noted

that the authorities acknowledged the gaps between the relevant policies and their implementation and stated their commitment to bridging those gaps. Although internal displacement is a domestic problem, the Government recognizes important linkages with similar patterns in other countries in the region and the need to draw lessons from their experiences.

I. OVERVIEW OF DISPLACEMENT IN THE PHILIPPINES

9. Although displacement has occurred in the Philippines in the recent past for a variety of reasons, including natural disasters as well as development projects, counter-insurgency operations and related military activity remain the leading causes of displacement in the country. Between 1972 and 1984, approximately 1 million families were displaced by armed clashes between the military and insurgent groups. Two major long-standing conflicts between rebel movements and the Armed Forces of the Philippines (AFP) led to the displacement of approximately 1 million families between 1972 and 1984. The first began as a movement for political independence in the early 1970s with the emergence of the Moro National Liberation Front (MNLF). Clashes between the AFP and the MNLF and related Moro rebel groups in the southern island of Mindanao led to the displacement of hundreds of thousands. Thousands more civilians were displaced by conflicts between the AFP and another rebel movement led by the New People's Army (NPA), an armed group affiliated with the Communist Party of the Philippines.

10. After the "people's revolt" of February 1986, which overthrew the Marcos regime, newly elected President Corazon Aquino intensified counter-insurgency military operations despite hopes that she would bring peace. By the early 1990s the conflict between the NPA and the Government had slowed significantly, but many people remained displaced in the capital and in other urban centres, often subsisting in what have become semi-permanent slums. In Mindanao, formal peace talks did not put an end to the conflict with Moro rebel groups. Indeed, there subsequently was increased fighting between Moro rebel groups and government forces.

11. Mindanao is the primary locus of fighting and displacement in the country, where different movements have fought for autonomy or independence over the last 30 years. Though Filipino Muslims represent a religious minority of only 5 per cent of the total Philippine population, they have inhabited the southern Philippine islands, of which Mindanao is the largest, since the fifteenth century. Following the independence of the Philippine State in 1946, Filipino Muslims continued to resist Manila's rule. Christian "homestead" policies in traditionally Muslim areas led to widespread conflict in the 1970s. The MNLF emerged in the early 1970s with the goal of an independent Muslim nation in the Philippines. A split in the organization led to the formation of the Moro Islamic Liberation Front (MILF) in 1984. These two movements remained the principal opposition groups in the conflict throughout the 1980s. The Tripoli Agreement of 1976 provided autonomy to 13 provinces in the southern Philippines, but the negotiations broke down after Marcos divided the region into two. A plan to create an Autonomous Region in Muslim Mindanao (ARMM) was passed by congress in 1989 to help solve the political tensions with Muslim communities and at the same time foster economic development in the region. The initiative was submitted to popular vote. However, many Muslims believed that the plan only provided token autonomy, and only 4 of the 13 provinces voted for autonomy. Despite the creation in 1990 of the ARMM, clashes continued. In 1996, a ceasefire agreement between the Government and the

MNLF provided for the creation of a priority development zone (SZOPAD) covering the 14 poorest provinces in the country.

12. Despite high expectations, the peace agreement did not prevent the resurgence of armed conflict and indeed resulted in a number of dissidents from the MNLF joining the MILF, which had become the main armed insurgency group in the country. New demands by the MILF and the Abu Sayyaf (“Father of the Sword”) Group (ASG) in Mindanao emerged and consequently, in 2000, there was an escalation of armed confrontations between government forces and the MILF, as well as the ASG, in particular in the municipalities of Maguindanao, Cotabato, Lanao del Sur, South Cotabato, and in the cities of Cotabato and General Santos. In view of the escalating conflict, President Joseph Estrada appointed a new negotiating panel to seek peace with the MILF. However, after negotiations proved difficult, hostilities resumed in April 2000, leading the MILF to unilaterally suspend talks with the Government.

13. Intense clashes between the MILF and the AFP in 2000 caused a wave of displacement. By 7 May 2000, the DSWD reported that the clashes in Maguindanao, Cotabato and Lanao had affected more than 23,000 families. At the height of the crisis, between 700,000 and a million persons had been internally displaced. Early in 2001, with the appointment of Gloria Macapagal-Arroyo as interim President, progress towards reinvigorating the stalled peace process in Mindanao was reported and shortly after her election as President she announced the resumption of peace negotiations with the MILF and the end of the “all-out war approach”. Important steps toward peace were made with the General Framework for the Resumption of Peace Talks signed in Kuala Lumpur in March 2001 and the Agreement of Peace signed between the Government and the MILF in Tripoli in June 2001. Nevertheless, armed clashes reportedly have continued between members of the AFP and the various Moro fronts, forcing thousands of civilians to leave their homes and farms in an attempt to escape from danger. Military operations against the ASG in South Western Mindanao resulted in new displacements in early 2002.

14. No current official statistics or disaggregated data on internally displaced persons in the Philippines are available. Based on the information received from the Philippines Disaster Response Operations Monitoring and Information Centre (DROMIC), most of those internally displaced by the fighting in Mindanao have left the “evacuation centres” set up to house them and have returned to their places of origin. Local non-governmental organizations (NGOs) and certain international organizations confirmed that, at the end of 2002, most of those displaced by the conflict in 2000 had returned to their homes, but that there remained an estimated 85,000 to 100,000 internally displaced persons in the Philippines, including some from the original conflict and some newly displaced by ongoing counter-terrorism operations in some areas of the country, including Mindanao. The majority of those currently displaced are reported to be located in western Mindanao (Maguindanao and North Cotabato provinces) and in the south of the island (Basilan and Sulu provinces).

15. The Representative notes that forced displacement in the Philippines has also occurred for reasons other than armed conflict. Among these is displacement reportedly caused by development activities, primarily affecting indigenous populations. Temporary large-scale displacement due to natural disasters, such as earthquakes, typhoons, monsoon rains, floods, heavy storms, landslides or volcano eruptions has also occurred on numerous occasions. In August 2002 alone, monsoon

rains and typhoons, which flooded at least 207 villages in 16 provinces across almost all of the regions of the country, in particular in Ilocos, Luzon, Southern Tagalog, Central Mindanao and the Autonomous Region of Muslim Mindanao, displaced 2 million people.

16. While each of these causes and the needs of those displaced by them are of concern to the Representative, his mission focused on the displacement resulting from the conflict in Mindanao. This focus was dictated by the size of the country, the time limitations of the mission, and the anticipation of a subsequent visit by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

II. THE MISSION AND ITS FINDINGS

A. The programme of the visit

17. The Representative's visit to the Philippines took place at a crucial time for the Government of Gloria Macapaga-Arroyo. Prior to the visit, the Government had declared its intention to develop a new approach to the long-term human rights issues in the country, including the conflict in Mindanao, where the situation of displacement was shifting from the emergency phase to one of return and resettlement.

18. The programme of the Representative's visit included consultations with central, regional, and local authorities, including Teofisto Guingona, Vice-President of the Philippines; Blas Ople, Secretary of Foreign Affairs; Corazon Juliano-Soliman, Secretary of the Department of Social Welfare and Development (DSWD); Manuel Dayrit, Secretary of the Department of Health; Franklin M. Ebdalin, Under-Secretary of Foreign Affairs; Maria Lourdes V. Ramiro Lopez, Assistant Secretary, United Nations Office at the Department of Foreign Affairs; Feliciano Gaziz, Under-Secretary of the Department of National Defense and other officials from the National Disaster Coordinating Council; Eduardo B. Ermita, Presidential Adviser on the Peace Process; Maria Merceditas Gutierrez, Under-Secretary of the Department of Justice and Head of the Presidential Committee on Human Rights; Purificacion V. Quisumbing, Chairperson of the National Commission on Human Rights; Franklin Drilon, President of the Senate; and Jose de Venecia, Speaker of the House of Representatives.

19. In Mindanao, the Representative met with Parouk Hussein, Governor of the ARMM; Nabil Tan, Executive Secretary of the ARMM Regional Government; Ibrahim P. Ibay, Speaker of the ARMM; Muslimim Sema, Mayor of Cotabato City; Hja. Banion G. Karon Secretary of the DSWD-ARMM, and the mayors of the municipalities of Barira and Buldon. He also met with community leaders and internally displaced persons and visited the *barangays* (communities of at least 1,000 inhabitants) of Langcong, Matanog, Tugaig, Kabayuan, Rumadas and Mataya, in Maguindanao Province. The Representative met with both persons who were still displaced and those who had been resettled families, in both cases with particular attention to the needs of women and children. The Representative also visited the Dhawa Evacuation Center near Cotabato City, the only remaining centre in the area for persons internally displaced as a result of the clashes that occurred in 2000 between the AFP and MILF. The AFP leadership in the area briefed the Representative about its ongoing activities and operations. The Representative also met with representatives of the MILF.

20. In Manila, the Representative paid a visit to “ERAP City”, a resettlement site in Quezon City, situated on a 15-hectare municipal ground inhabited by more than 300,000 people, and where a number of displaced families have been resettled. The project was reportedly the centrepiece of the housing programme of the administration of President Estrada. ERAP City also hosted some of the survivors of the Payatas disaster, which occurred in July 2000 when a mountain of garbage 150 feet high and 10 hectares in length collapsed under heavy rains, crushing hundreds, if not thousands, of people who had made Payatas their home for a decade. The Representative met with affected families and their representatives, and learned about ongoing distress from the continuing open dumping operations.

21. Extensive consultations were held with the United Nations Resident Coordinator, the representatives of all United Nations agencies and programmes in the Philippines, representatives of the donor community and several humanitarian, human rights and development NGOs, as well as with religious groups and members of various academic and research centres in the country.

22. The Representative was invited to give a lecture on “The Guiding Principles on Internal Displacement and the role of the national human rights institutions” at the Komisyon ng Karapatang Pantao (KKP), the Commission on Human Rights of the Philippines. The KKP functions as an adviser to the Government on human rights standards and as an independent human rights monitor, evaluator and advocate with regard to national or local legislation as well as government policies, programmes and operations. Prior to the lecture, discussions were held with the chairperson of the Commission about its work and the role it could play in promoting and protecting the rights of internally displaced persons.

23. At the end of his visit, the Representative participated jointly with Maria Lourdes V. Ramiro Lopez, Assistant Secretary for the United Nations Office at the Department for Foreign Affairs, at a press briefing organized by the Department for Foreign Affairs and issued a press release on the preliminary findings of his mission.² The Representative also participated in a more in-depth discussion of the situation of internal displacement in the country with a number of correspondents at a round table organized by the Office of the United Nations Resident Coordinator and the United Nations Information Center in Manila.

B. Approach of the Representative

24. In his discussions with the government authorities and others, the Representative began by explaining the approach of his mandate, which is based on recognizing that internal displacement occurs within State borders and therefore falls under State sovereignty. However, while affirming respect for sovereignty, the Representative sees the concept as a positive one that carries with it the responsibility to protect and assist the population, with special attention to vulnerable groups, including those affected by armed conflict, if necessary in cooperation with the international community. His function as Representative of the Secretary-General on the issue is to serve as a catalyst, raising awareness of the problem of displacement and exploring the common ground for cooperation with the international community.

25. During the mission, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) figured prominently in the discussions as a tool for Governments in

developing policies to address internal displacement. The authorities at the political level as well as officials of the institutions directly dealing with internally displaced populations, such as the DSWD and the Armed Forces, were already familiar with the Guiding Principles. Indeed, at the initiative of the United Nations agencies and local NGOs, the Guiding Principles had been translated into several local languages, specifically Cebuano, Maguindanao and Tagalog, and disseminated, including to internally displaced populations. The Representative also welcomed the initiative taken by the NGO Balay, in cooperation with UNICC, to translate the “Manual on field practice in international displacement” into several dialects, and their launching in Davao City and Cotabato in late November 2002.

C. Addressing the current conditions of the displaced

26. Overall, the mission of the Representative took place in a positive climate, as demonstrated in particular by the Government’s open acknowledgement of the problem of internal displacement and the need to respond to it effectively, including by exploring durable solutions. During his discussions with the authorities, he was briefed on the Government’s efforts to address internal displacement. These efforts have focused on the displacement resulting from the conflict in Mindanao as well as on strengthening the coordination of activities in the transition from emergency response to the search for durable solutions for the displaced. He was also briefed on the mechanisms in place to respond to displacement through the National Coordinating Council (NDCC), which coordinates the actions of the other relevant bodies such as the DSWD, the Office of Civil Defence (OCD), the Philippine National Red Cross (PNRD), the regional and the local governments. The authorities, in particular the Secretary of the DSWD, informed the Representative about their efforts to facilitate the voluntary return or resettlement of persons displaced by the armed conflict in Mindanao as well as on mediation and reconciliation efforts aimed at enabling the reintegration of former combatants. The DSWD also was active in providing relief and rehabilitation assistance to victims of natural disasters as well as in providing technical assistance to local government units in the delivery of social services.

27. At the same time, and as he has often found on his country missions, the Representative observed a gap between the positive policy statements by governmental authorities and their practical implementation on the ground. In the case of the Philippines, although a significant level of assistance was being provided to the internally displaced, there were gaps in addressing their protection needs as well as those of the returnees and the affected communities at large. The gap between the declared policy and the state of implementation appears to have led many of the displaced to feel isolated, neglected and alienated, in particular in the most affected areas of Mindanao. It should be noted on the positive side, however, that government officials appeared to recognize this gap, seemed willing to seek remedies, and even saw the mission as providing them with the opportunity to do so.

28. Of particular concern is the cycle of repeated displacement experienced by families and entire communities from Central Mindanao who live in a context of chronic insecurity. The leaders of some of these communities reported to the Representative that localized disputes or criminal acts could quickly escalate into violence, exacerbated by the high level of small arms and the presence of armed groups in the region, and which in some cases has resulted in military

action and new displacement. The Representative was also informed about the new waves of displacement reportedly resulting from ongoing counter-terrorism operations in some areas of the country and about the reported lack of access to the affected communities by humanitarian organizations seeking to assist them.

29. In Mindanao, authorities from the ARMM and several affected municipalities expressed their commitment to effectively address the problem of internal displacement and continue the search for solutions to the problems experienced by the remaining displaced communities. They acknowledged that they had primary responsibility to assist and protect their internally displaced populations and establish the necessary conditions to allow people to return or resettle in safety and in dignity. Particularly noteworthy was the key role played by the Department of Social Welfare and Development (DSWD) in the affected areas, despite the limited resources available to assist them. Other partners were therefore needed to cooperate in addressing the needs of the displaced, in particular those affected by the conflict in 2000. DSWD in coordination with other governmental agencies and local and international NGOs extended services in the relief and rehabilitation efforts which included shelter, food, housing, sanitation, construction of water systems, livelihood assistance, solar driers and care services. However, the mission revealed the need to establish appropriate institutional structures and mechanisms of response within the Government at all levels (central, regional and local) and for coordination among them in facilitating the shift from emergency response to implementing durable solutions for the displaced.

30. The field visits to the displaced communities in the Maguindanao province, and, in particular, to the *barangays* of Langcong, Matanog, Tugaig, Kabayuan, Rumadas and Mataya, also indicated that significant assistance and protection problems remain to be addressed. Although the Representative was informed that the local and regional governments were trying to meet basic needs of food and housing facilities, internally displaced persons complained that the assistance they received was inadequate.

31. As in most countries affected by displacement, women and children make up the great majority of the displaced population in the Philippines and experience additional vulnerabilities. The provinces of Central Mindanao, due to severe poverty, were reported to be among the most education-deprived areas in the country, creating a situation of uncertain access to education for many internally displaced children. In areas of return, internally displaced persons reported that classrooms were in poor condition and the number of teachers were inadequate. Moreover, displaced children often experienced difficulty in attending the public school system due to lack of financial means for transport and other necessities.

32. The Representative was particularly concerned by the situation in the Dhawa Evacuation Center near Cotabato City, the only remaining centre in the area for persons displaced by the armed clashes that occurred in 2000. The remaining displaced in the centre, in particular women and children, were suffering from malnutrition and poor health; some children reportedly had died due to a lack of access to basic medicines. Despite the community services provided by the NGOs and the DSWD, the growing needs outpaced the resources available.

33. The Representative also visited areas being rebuilt with the assistance of the international community and saw tangible evidence of the reconstruction efforts as well as the motivation of the

resettled persons to rebuild their homes and lives. By contrast, in some of the other resettlement areas visited, the living conditions of the internally displaced were very poor. In Mataya, for example, they lacked regular access to drinking water and other basic services. Moreover, most internally displaced persons did not have access to land to cultivate and some had lost their animals, killed or stolen by parties to the conflict, leaving them without means for self-sufficiency and unable to support their families. In some cases, internally displaced persons were reported to be fearful of returning to their places of origin due to the presence of the AFP in those areas. Although the Representative did not receive allegations of human rights abuses committed by parties to the conflict, the displaced, in particular women, expressed a degree of fear that suggested trauma from their past experience in the areas.

34. During his visit to the Patayas site in Manila, the Representative saw that returning and resettled persons had taken the initiative to organize themselves and establish savings associations, as for example in Kasiglahan and Suburban Village (San Jose, Montalban). While still recovering from the impact of the trash-slide in 2000, these groups were running community-based programmes that were providing child care, rehabilitation assistance for disabled persons, medical and other services for the most vulnerable groups as well as savings and credit schemes, which extended to displaced persons from other areas as well. This initiative and the emphasis that the displaced groups and NGOs assisting them were placing on supporting internally displaced persons to rebuild their lives were truly exemplary and deserved to be extended elsewhere and supported.

35. The displaced in this area nonetheless faced a number of practical problems, in particular relating to title to the land and houses where they were currently living. The Representative was informed of a request submitted by a group of resettled persons to the National Housing Authorities to turn their monthly rental payment toward eventual purchase of the houses. This is a government agency that promotes the provision of relocation houses to homeless families, especially to victims of natural calamities and disasters, and studies the possibility of rescheduling payment schemes. The Representative raised the request with the pertinent authorities and also referred the proposal to the Special Rapporteur on adequate housing, who was planning a visit to the Philippines.

36. During his meeting with representatives of United Nations agencies, the Representative was informed of their involvement in addressing the needs of internally displaced persons, particularly following the crisis in 2000. He learned of the joint efforts made by various international actors in support of peace and development in Mindanao through the Multi-Donor Programme, United Nations efforts in support of implementation of the peace agreement signed between the Government and the MNLF in 1996, and the work of "Peace and Development Communities". The Multi-Donor Programme, then in its third phase, focused on strengthening the foundation for lasting peace and development in the southern Philippines. Furthermore, in Central Mindanao, the Representative was informed by the local representatives of UNDP of practical actions taken to prevent further displacement.

D. Return, local integration or resettlement

37. In his discussions with the authorities, the Representative addressed the need for implementation of concrete strategies and programmes supporting durable solutions, whether

voluntary return, local integration or resettlement in safety and dignity, as well as access to income-generating and development programmes for the internally displaced population in Mindanao. He noted that the necessary conditions would need to be established and the means provided for internally displaced persons to return, locally integrate or resettle, specifically by creating and ensuring a safe environment that would be also economically sustainable.

38. The principal desire expressed by internally displaced persons was to return home and rebuild their lives. However, they also pointed out that living conditions in areas of return were currently not conducive to their return. In particular, many pointed out that they had lost all of their personal belongings, land, livestock and means of survival and requested assistance and compensation for their losses and suffering. Although most of those with whom the Representative met wanted to return to their places of origin, they also conceded that, if insecurity impeded return to those areas, they would agree to be relocated temporarily.

39. State authorities indicated their commitment to finding concrete and durable solutions to the needs of the displaced communities. The Representative was told that the Government's policy of dialogue with the displaced communities had already resulted in the return of several communities to their original areas of residence. The authorities had established mechanisms to assist the communities in negotiating the conditions of return and the assessment of their needs. They also reported that they had assisted returnees to build houses in the north of the country and that they had set up health and social programmes. The authorities recognized that the necessary conditions for the safe return of all displaced persons did not yet exist and indicated that they were ready to identify alternative places for resettlement, if return was not possible. They argued, however, that while they were committed to assist the communities to return or to resettle, what they could do was limited due to lack of resources.

40. The DSWD, with the support of the NGOs, also had been assisting displaced communities to return to their places of origin. They were providing logistical support and transportation as well as medical assistance, construction materials, stoves, communal latrines and kits for basic hygiene. They also were assisting returning communities in building communal centres and had set up health and social programmes.

41. A primary obstacle to return remained the continuing threats to physical security that internally displaced persons reported they faced from all the parties to the conflict and their fear of being caught in the middle of renewed fighting. Furthermore, while Government and bilateral recovery assistance programmes were available, many people in the most affected rural areas rarely learned about these programmes, which implied a need for the authorities to make them better known to the displaced populations.

42. Ultimately, the best and most durable solution to the crisis of internal displacement lies in the achievement of peace, security and stability. Important steps towards peace and development in Mindanao and finding durable solutions for the internally displaced have been taken, in particular with the General Framework for the Resumption of Peace Talks signed in Kuala Lumpur in March 2001 and the Agreement of Peace signed between the Government and the MILF in Tripoli in June 2001, which, in its subsequent Humanitarian, Rehabilitation and Development Accord, underscored the importance of respect for human rights and international humanitarian law

and set out a framework for the implementation of rehabilitation and development projects as well as for monitoring the peace process. Yet, in the light of the continued volatility of the situation in Mindanao and now also the potential negative humanitarian effects of the counter-terrorist operations under way in the country (military operations were reported in Lanao del Sur, Sulu Province and Maguindanao province at the time the mission took place), there is a need to build upon past developments and continue to seek and support durable solutions to the conflict and the resulting displacement.

43. The Representative's visit to Mindanao revealed that the root causes of internal displacement in that area were inherently linked to a feeling of marginalization aggravated by the state of development and governance capacity in the region. While responding to the assistance and, to a certain extent, the protection needs of the internally displaced appeared to be a high priority for the Government, the Representative urged that due attention also be given to addressing the root causes of the conflict. In this connection, it should be noted that the parties to the conflict expressed willingness to pursue efforts towards peace. It is important that these efforts be viewed as an opportunity not only to end the hostilities, but also to comprehensively address the fundamental structural problems at the root of the conflict.

44. The Representative also took note of the concern expressed by the national, regional and municipal authorities about the thousands of Filipino deportees from the neighbouring island of Sabah, Malaysia. It was reported that the Special Rapporteur on the human rights of migrants, who had undertaken a mission to the country prior to his visit, had been following the issue and that he would report on his findings to the Commission on Human Rights.

45. The Representative was impressed by the commitment of the authorities to make use of the Guiding Principles in the formulation of policies and legislation addressing the problem of internal displacement. He was also pleased to learn, during his meeting with the Speaker of the House of Representatives, that a number of resolutions had been submitted calling for the observance of international humanitarian law. In addition, he learned that several training courses on the Guiding Principles had been carried out, including for the Armed Forces of the Philippines (AFP), and that organizations working in the affected areas were also promoting their application by insurgent groups. Various organs of the Government, such as the Department of Foreign Affairs, the DSWD, the Senate and the House of Representatives, all expressed interest in convening a national meeting on internal displacement and the Guiding Principles. In discussions with the authorities, the need to address the issues of displacement and migration through cooperation among the countries of the region was also stressed. In this connection, the Representative expressed his support for the initiative of the Government to consider the possibility of convening a regional seminar on good practices in addressing internal displacement.

III. CONCLUSIONS AND RECOMMENDATIONS

46. **Based on his discussions with the authorities at the national, regional and local levels, the Representative is of the view that government authorities have made important efforts to address the problem of displacement in the country. In particular, they have acknowledged the existence of the problem and designated the National Disaster Council as the coordinating body for the actions of other relevant departments, such as the DSWD, in response to the**

needs of the displaced. The main challenge now is to ensure the effective translation of statements and policies aimed at responding to the plight of the internally displaced into practical operations on the ground. Building on the above overview of the situation in the country the Representative makes the following recommendations:

47. Closing the gap between government policy on internal displacement and implementation on the ground. To bridge the gap between the positive statements of the Government and the conditions on the ground, enhanced formulation, articulation and wider dissemination of a comprehensive and integrated national policy on internal displacement is needed. This should serve to clarify strategies for addressing the problem of internal displacement, including protection and assistance needs, and to facilitate the search for durable solutions. Toward this end, the organization of a national conference on internal displacement, with the participation of representatives from the Government at the national, regional and local levels, non-governmental organizations (NGOs), civil society, United Nations agencies and other international partners is recommended. The resulting policy and strategies should be widely disseminated throughout the country, especially in areas of displacement outside of the capital, and specifically among internally displaced communities.

48. Establishing appropriate institutional structures and mechanism of coordinated response. Building upon mechanisms already in place, appropriate institutional structures for addressing displacement issues should be established within the Government at all levels, (central, regional and local), including the appointment of focal points to facilitate coordination within the Government and with United Nations agencies and other partners in the international community on issues of internal displacement.

49. Collecting disaggregated data on the internally displaced population. The collection of disaggregated data is necessary to obtain more accurate information on the internally displaced and their needs, and therefore to target responses more effectively. In this connection, it is also crucial to develop a system to identify the numbers and nature of displacement which reportedly has resulted from the anti-terrorism operations currently under way in the country.

50. Strengthening efforts to address the continuing needs of displaced communities and the returnees. Although a significant level of assistance is being provided to the internally displaced by governmental bodies, such as the Department of Social Welfare and Development (DSWD), as well as United Nations agencies, the donor community and NGOs, there is a continuing need for better protection of displaced persons, returnees and host communities. Although the gap between national policies and the level of implementation, particularly in Mindanao, made the affected populations feel isolated, neglected and alienated, the national authorities' recognition of this gap is an important and encouraging first step towards rectifying the situation.

51. Providing assistance for return, resettlement or local integration. During his visit to the areas affected by the conflict in central Mindanao, the Representative noted that significant assistance had been provided for the return and/or resettlement of the displaced.

However, in many areas, there was evident lack of basic services. Moreover, most of the returnees had lost assets essential to their subsistence, such as animals or land, in the course of the hostilities. As part of its response to internal displacement, the Government should determine how to ensure the restitution of, or compensation for, lost property. In addition, in light of the trauma evidenced among some displaced persons with whom the Representative met and their expressed wish not to return to their areas of origin until they are entirely clear of military presence, the Government should also support the resettlement and reintegration of those displaced who do not wish to return.

52. **Responding effectively to new displacement.** While solutions are being pursued for those displaced in 2000, attention must also be given to addressing the new displacement resulting from the anti-terrorism measures. Notwithstanding the sensitivity of the terrorism issue, both the Government and the international community need to take measures to ensure protection against arbitrary displacement and providing protection and assistance to newly displaced persons.

53. **Disseminating and providing training on the Guiding Principles on Internal Displacement.** Training in international humanitarian law and human rights law, including the Guiding Principles, for the security forces, regional administrators and other pertinent officials whose mandates and scope of activities encompass displaced communities should serve to reinforce and enhance the effectiveness of the Government's efforts to address internal displacement. Moreover, the Guiding Principles can be a useful tool for the Government in developing policies, legislation and strategies for dealing with displacement, including providing protection against arbitrary displacement and protection and assistance to displaced persons.

54. **Developing a regional approach.** Although internal displacement is a domestic problem, in the Philippines there are important linkages with similar patterns in other countries in the region. In this connection, it is worth recalling that the Government, while acknowledging the problem of internal displacement and the need to strengthen its protection role, also recognizes the link between the problem in the Philippines and the situation in neighbouring countries and the need to draw lessons from their experiences. The Representative encourages the Government to act on its proposed initiative to host a regional conference on internal displacement and migration issues and is prepared to cooperate with the authorities on this initiative.

55. **Enhancing the role of, and increasing international support for, the United Nations country team.** In the Philippines, United Nations agencies have established several working groups which appear to serve as valuable mechanisms for channelling their respective concerns with regard to assistance and protection to internally displaced persons and discussing appropriate responses. However, the Representative is of the opinion that these initiatives need stronger institutional support to be more effective.

56. **Seeking durable solutions to the conflict.** Finally, while responding to the immediate protection and assistance needs of the internally displaced is pressing, it must be underscored that, in many instances, the root causes of the conflicts resulting in internal displacement are

the acute disparities associated with diversities, the marginalization, underdevelopment and lack of capacity for local governance in the disadvantaged region. These deep-seated causes must also be addressed. The ultimate objective should be to create a national framework which accommodates all groups in the country and ensures the dignity of all peoples irrespective of race, ethnicity or religion. The Representative witnessed a significant degree of willingness on both sides in the conflict to continue their efforts towards a peaceful resolution of the conflict. At the same time, there was clearly a need to promote national awareness of the root causes of the conflict in Mindanao in order to achieve a just, comprehensive and sustainable peace.

IV. CONCLUDING COMMENTS

57. As a final word, it should be reiterated that, while the numbers of internally displaced persons in the Philippines are relatively small compared to many affected countries, they present a challenging situation to which the Government appears to be responding with appropriate seriousness and commitment. In this connection, it should be emphasized, as the Representative has done on previous occasions, that the concern of international humanitarian and human rights norms is not only with the gravity of numbers, but indeed with the needs, rights and dignity of every individual human being. As is the case with countries torn apart by internal conflict, the displacement crisis in the Philippines and the constraints of the response to it are compounded by identity factors which have created cleavages that are difficult to bridge. The Government is, however, committed not only to meeting the needs of the displaced, but also to the search for a comprehensive, just and durable peace that addresses these structural dimensions. As the Representative has often noted, the two extreme responses to the displacement crises everywhere that must be avoided are blind denial and a pessimistic exaggeration of the problem as too severe to be solved. The Government of the Philippines acknowledges the problem and is ostensibly committed to addressing it effectively. This is the appropriate context for the international community to assist the Government in doing what it rightly realizes to be first and foremost a national responsibility.

Notes

¹ See www.idppproject.org.

² Posted on www.unog.ch/news2/documents/newsen/hr02115e.htm.
