



**ЭКОНОМИЧЕСКИЙ  
И СОЦИАЛЬНЫЙ СОВЕТ**

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**КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА**

Пятьдесят девятая сессия

Пункт 14 с) предварительной повестки дня

**КОНКРЕТНЫЕ ГРУППЫ И ЛИЦА:**

**МАССОВЫЕ ИСХОДЫ И ПЕРЕМЕЩЕННЫЕ ЛИЦА**

**Доклад Представителя Генерального секретаря по вопросу о лицах,  
перемещенных внутри страны, г-на Фрэнсиса Денга, представленный  
в соответствии с резолюцией 2002/56 Комиссии по правам человека**

**Добавление**

**Характерные особенности перемещения лиц: Мексика\***

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\* Резюме доклада об этой миссии распространяется на всех официальных языках. Сам доклад содержится в приложении к резюме и распространяется только на языке его представления и на испанском языке.

## Резюме

По приглашению правительства Представитель Генерального секретаря по вопросу о лицах, перемещенных внутри страны, г-н Фрэнсис М. Денг совершил официальную поездку в Мексику 18-28 августа 2002 года. Поездка преследовала следующие цели: завязать конструктивный диалог с правительством, гражданским обществом, страновой группой Организации Объединенных Наций и другими международными партнерами; лучше понять положение внутриперемещенных лиц в Мексике; и оценить возможности и представить рекомендации в отношении принятия более эффективных мер на национальном и международном уровнях с целью улучшения положения внутриперемещенных лиц в данной стране.

В последние годы в Мексике происходят стремительные политические перемены. Нынешнее правительство заявило о своей решимости заняться давно существующими в этой стране проблемами, связанными с правами человека, и разрешило международным и региональным механизмам по защите прав человека проводить миссии по расследованию. Действительно, оно направило "открытое приглашение" посещать страну механизмам специальных процедур Организации Объединенных Наций, и визит Представителя Генерального секретаря по вопросу о лицах, перемещенных внутри страны, был осуществлен именно в этом контексте.

Хотя принудительное перемещение в Мексике обусловлено множеством причин, главной из них является конфликт в Чьяпасе. Другие случаи принудительного перемещения в Мексике имели место в силу различных причин - например, конфликтов вокруг собственности на землю, торговли наркотиками, религиозной нетерпимости, проектов застройки и стихийных бедствий в таких штатах, как Оахака, Табаско и Синалоа.

Хотя численность внутриперемещенных лиц в Мексике относительно невелика по сравнению со многими другими странами, где имеют место внутренние перемещения, их страдания, обусловленные ситуацией перемещения лиц, являются более чем реальными, и их не следует недооценивать. В стране нет официальных статистических данных о численности перемещенных лиц, но, согласно оценкам неправительственных организаций (НПО) и других международных организаций, численность внутриперемещенных лиц в южном штате Чьяпас составляет от 16 000 до 21 000 человек.

Прежде чем отправиться в миссию, Представитель получил информацию от ряда международных и национальных наблюдателей о положении перемещенных лиц в Мексике, в частности касательно общин, перемещенных в результате конфликта в Чьяпасе. По мнению большинства из этих наблюдателей, правительство Мексики

рассматривает проблему перемещения как весьма болезненный внутренний вопрос. Предположительно из-за такой болезненной реакции правительства на данный вопрос международное сообщество, и особенно учреждения и программы Организации Объединенных Наций в этой стране старались избегать открытого обсуждения данной проблемы с властями, что, в свою очередь, ограничивало их возможности по оказанию помощи перемещенным лицам. Исключением был Международный комитет Красного Креста (МККК), который, тесно взаимодействуя с Мексиканским Красным Крестом (МККК) и проявляя свойственную ему тактичность, предоставлял помощь внутриперемещенным лицам. Местные правоохранительные и религиозные группы также оказывали важную помощь перемещенному населению, несмотря на ограниченность своих ресурсов и опасения, связанные с обеспечением безопасности.

В ходе бесед Представителя с властями выявилась гораздо бóльшая готовность заняться решением проблем перемещенных лиц, чем он ожидал до своего приезда. Хотя его миссия установила, что внутриперемещенные общины сталкиваются с рядом серьезных проблем, связанных с обеспечением защиты и получением помощи, Представитель был воодушевлен желанием правительства начать с ним конструктивный диалог и твердой решимостью заняться проблемами внутриперемещенных лиц. Приглашение Представителя посетить страну, несомненно, стало положительным свидетельством правительственной политики перемен в решении вопросов, связанных с перемещением и правами человека. Разработка, принятие и осуществление политики в отношении лиц, перемещенных внутри страны, а также нынешние усилия, направленные на принятие национального плана действий в области прав человека, предоставляют международному сообществу, международным неправительственным организациям (НПО) и местному гражданскому обществу важную возможность для сотрудничества с правительством в решении проблем, связанных с положением внутриперемещенных лиц в Мексике.

Настоящий доклад представляет собой оценку Представителем положения, связанного с перемещениями в Мексике, основанную на обмене мнениями, который он имел с федеральными властями, властями штатов и муниципалитетов, представителями гуманитарных, правозащитных организаций и организаций, занимающихся вопросами развития, включая учреждения и программы Организации Объединенных Наций, других представителей международного сообщества и неправительственные организации, до и в ходе миссии, а также во время поездок в районы проживания нескольких общин внутриперемещенных лиц в штатах Чьяпас и Герреро. В заключительном разделе настоящего доклада Представитель высказывает рекомендации (воспроизводятся ниже в резюме) по решению проблемы внутриперемещенных лиц в Мексике. Эти рекомендации призывают к скорейшему принятию и осуществлению правительством политики оказания

помощи перемещенным лицам и содействия более тесному сотрудничеству между правительством, местным гражданским обществом и международным сообществом. В них также подчеркивается важность устранения причин, лежащих в основе феномена внутреннего перемещения, и поддержки в рамках предлагаемой новой политики процесса добровольного возвращения внутриперемещенных лиц в места своего первоначального проживания в условиях безопасности и уважения достоинства. Следует также оказывать помощь альтернативному переселению лиц, которые не могут или не желают возвращаться, и интеграции желающих остаться в местах своего нынешнего проживания, с тем чтобы обеспечить их общее благополучие, безопасность и достоинство.

Рекомендации Представителя заключаются в следующем:

- **Разработка, принятие и осуществление правительственной политики:** Федеральные власти, власти штатов и муниципалитетов - все заверяли Представителя в своей решимости принять эффективные меры по решению проблемы внутриперемещенных лиц в стране. Настоятельно необходимо, чтобы эти власти ускорили разработку, принятие и осуществление политики в отношении внутриперемещенных лиц. Такая политика должна быть связана с другими направлениями политики, планами и программами в области защиты прав человека. Она также должна быть направлена на разрешение таких проблем, как защита от произвольного перемещения, нынешние потребности в защите и помощи и возможности добровольного возвращения, переселения или местной интеграции перемещенных лиц в условиях безопасности и уважения достоинства. Эта политика должна учитывать особые потребности детей и женщин и обеспечивать такое положение, при котором гендерные вопросы являлись бы составной частью всех стратегий и программ. Она должна разрабатываться в консультации с перемещенными лицами и получить широкое распространение;
- **Сбор данных для установления масштабов проблемы внутреннего перемещения:** Существует потребность в более всесторонних, подробных и надежных данных, сгруппированных по признаку пола и возрасту, о численности, местонахождении и характерных особенностях перемещенных лиц в Мексике. Исключительно важно составить точную картину о нынешнем положении и особых потребностях перемещенных лиц. На эти цели следует выделить необходимые ресурсы, как людские, так и материальные. Необходимо создать централизованную систему сбора и анализа данных и информации, с тем чтобы обеспечить эффективное использование этих данных, в особенности в процессе разработки политики, стратегий и программ.

Местным властям следует рассмотреть возможность привлечения технической и финансовой помощи со стороны международного сообщества. Следует также изучить возможность сотрудничества с исследовательскими и научными центрами, имеющими соответствующий опыт;

- **Учет особых потребностей внутриперемещенных лиц в программах и структурах:** В правительственной политике и секторальных планах и программах следует учитывать особые потребности внутриперемещенного населения. Создание координационных центров, занимающихся проблемами внутриперемещенных лиц на различных правительственных уровнях (например, федеральное правительство, штаты и муниципалитеты), могло бы содействовать обеспечению того, чтобы общины внутриперемещенных лиц были охвачены правительственными службами;
- **Механизмы координации:** Усилия по решению проблемы внутриперемещенных лиц были начаты властями штатов без достаточной координации с федеральной властью. В ряде случаев власти штатов готовы к некоторой координации действий с гражданским обществом; такие партнерские отношения необходимо расширять. Важно создать координационные механизмы внутри федерального правительства, между федеральным правительством и правительствами штатов, а также с НПО, занимающимися гуманитарными, правозащитными вопросами и вопросами развития, и международным сообществом с целью принятия более эффективных мер для решения проблемы перемещения населения;
- **Обеспечение более полной защиты лиц, все еще являющихся перемещенными, и расширение оказываемой им помощи:** Помощь, оказываемая внутриперемещенному населению, носит весьма ограниченный характер. Предлагаемая новая политика в отношении внутриперемещенных лиц должна стремиться к обеспечению того, чтобы потребности лиц, все еще являющихся перемещенными, в защите и помощи удовлетворялись. Пока развивается процесс разработки и принятия такой политики, федеральному правительству, правительствам штатов и муниципалитетов следует стремиться к обеспечению того, чтобы потребности внутриперемещенных лиц, в частности в продовольствии, чистой воде, здравоохранении и жилье, удовлетворялись. Особое и неотложное внимание следует по-прежнему уделять защите внутриперемещенных лиц от все еще имеющей место практики запугивания и травли со стороны военизированных или вооруженных гражданских группировок и других подобных образований;

- **Содействие обеспечению безопасного гуманитарного доступа к внутриперемещенным лицам:** Ограниченный доступ к перемещенным лицам в так называемых "автономных общинах" в Чьяпасе вызывает особую обеспокоенность, учитывая тупик, в который в настоящее время зашли мирные переговоры. Правительству следует рассмотреть возможность сотрудничества с международным сообществом с целью обеспечения удовлетворения неотложных потребностей в защите и помощи находящихся в этих районах общин внутриперемещенных лиц;
- **Помощь в возвращении, переселении или местной интеграции:** Представитель с удовлетворением констатировал, что в некоторых районах оказывается помощь в возвращении или переселении перемещенных общин. В рамках предлагаемой новой политики правительству следует стремиться к активизации содействия и поддержки добровольного возвращения внутриперемещенных лиц в места своего первоначального проживания, альтернативному переселению лиц, не желающих возвращаться, или местной интеграции тех, кто желает остаться в нынешних местах своего проживания, в условиях обеспечения безопасности и уважения достоинства. Одним из приоритетных направлений деятельности также должна быть поддержка внутриперемещенных лиц в процессе реинтеграции и восстановления возможностей самим обеспечивать свое существование и обеспечения их земель. Правительству следует заручиться помощью международного сообщества в осуществлении проектов по содействию возвращению, переселению или интеграции в местных условиях;
- **Сотрудничество с международным сообществом:** Представитель с удовлетворением констатировал, что федеральная власть, власти штатов и муниципалитетов в целом положительно относятся к идее сотрудничества с гражданским обществом и международным сообществом в деле обеспечения нужд перемещенных лиц. Стремясь содействовать определению возможных областей сотрудничества, Представитель призывает правительство, во взаимодействии с учреждениями и программами Организации Объединенных Наций и другими соответствующими сторонами, рассмотреть возможность проведения семинара по проблемам внутриперемещенных лиц, в сотрудничестве с его управлением и группой по внутреннему перемещению Управления по координации гуманитарной деятельности Организации Объединенных Наций (ГВП УКГД);

- **Активизация деятельности Организации Объединенных Наций по решению проблемы внутреннего перемещения на местах:** До последнего времени учреждения Организации Объединенных Наций и международное сообщество не занимались проблемой внутреннего перемещения, в частности в штате Чьяпас, что было главным образом обусловлено отношением предыдущего правительства к конфликту в Чьяпасе. Проводимая нынешним правительством политика открытости для международного сотрудничества открывает возможность для расширения деятельности Организации Объединенных Наций по решению проблем внутриперемещенных лиц. Для содействия активизации деятельности страновой группы Организации Объединенных Наций по обеспечению защиты и оказанию помощи внутриперемещенным лицам ГВП УКГД следует направить в страну обзорную миссию, с тем чтобы оценить возможности и результаты деятельности оперативных учреждений, выявить недостатки в проводимых международным сообществом мерах и помочь страновой группе в разработке программы действий по удовлетворению потребностей внутриперемещенных лиц;
- **Пропаганда Руководящих принципов на региональном уровне:** Представитель был воодушевлен очевидной готовностью правительства заняться решением проблемы внутриперемещенных лиц в Мексике и его признанием Руководящих принципов по вопросу о перемещении лиц внутри страны в качестве полезного инструмента разработки национальной политики и программ для внутриперемещенных лиц. Представитель надеется, что Мексика станет образцом действенной политики удовлетворения потребностей внутриперемещенных лиц в защите и помощи. Учитывая те масштабы, в которых Руководящие принципы уже используются внутри страны на различных уровнях в качестве инструмента принятия мер, призванных обеспечить выход из этого кризиса, Представитель вновь заявляет о своей признательности правительству за его готовность принять региональный семинар или практикум по использованию и применению Руководящих принципов по вопросу о перемещении лиц внутри страны, который можно было бы организовать во взаимодействии с его управлением и другими партнерами; и
- **Поиск путей выхода из конфликта:** Наконец, несмотря на то, что содействие мирному процессу выходило за рамки непосредственных целей его миссии, следует отметить, что лучшим способом выйти из кризиса, связанного с наличием внутриперемещенных лиц, было бы достижение мира и национального примирения, что, в свою очередь, будет зависеть от устранения

причин, лежащих в основе этого конфликта, который обусловлен политическими, экономическими и социальными проблемами. Представитель считает, что сторонам в конфликте в Чьяпасе следует приложить все усилия и найти возможности, чтобы сдвинуть дело с мертвой точки, восстановить определенную степень доверия, активизировать мирный процесс, принять меры, направленные на устранение существующих между ними различий, и найти надежные решения в интересах людей, оказавшихся вследствие этого конфликта перемещенными.



## **Annex**

REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL ON  
INTERNALLY DISPLACED PERSONS, MR. FRANCIS M. DENG, SUBMITTED  
PURSUANT TO COMMISSION ON HUMAN RIGHTS RESOLUTION 2002/56:  
PROFILES IN DISPLACEMENT: MEXICO

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## **Introduction**

1. At the invitation of the Government, the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, undertook an official visit to Mexico, 18-28 August 2002. The objectives of the Representative's mission were: to enter into a constructive dialogue with the Government, civil society, the United Nations country team and other international partners; to gain a better understanding of the situation of internal displacement in Mexico; and to assess opportunities and make recommendations for enhanced national and international response to the plight of the internally displaced in the country.
2. For the last several years, Mexico has seen precipitous political changes. The current Government has expressed its commitment to address long-standing human rights issues in the country, and has allowed international and regional human rights protection mechanisms to conduct inquiry missions. Indeed, it has extended an "open invitation" to the United Nations special procedures mechanisms to visit the country, and it was in this context that the visit of the Representative of the Secretary-General on internally displaced persons took place. During 2002, at the invitation of the Government, and within the framework of their mandates, the Working Group on Arbitrary Detention, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on adequate housing also conducted fact-finding missions to Mexico. The invitation extended by the Government to the Representative of the Secretary-General on internally displaced persons can therefore be interpreted as a positive step on the part of the current Government to address the issues affecting the internally displaced population in the country.
3. This report presents the Representative's assessment of the situation of displacement in Mexico, based on the exchange of views he had with the federal, state and municipal authorities, representatives of humanitarian, human rights and development organizations, including United Nations agencies and programmes, other members of the international community and non-governmental organizations, before and during the mission, as well as on his field visits to several communities with internally displaced persons. In the last section, the report provides recommendations to address the problems of displacement in Mexico, including the development of closer cooperation among various actors, specifically the Government, local civil society and the international community, and greater emphasis on addressing the underlying causes of displacement.
4. Prior to undertaking the mission, the Representative received information from a number of international and national observers regarding the situation of displacement in Mexico, in particular concerning communities displaced by the conflict in Chiapas. Most of these observers believed that the Government of Mexico perceived the problem of displacement to be a very sensitive internal matter. This alleged sensitivity of the Government on the issue apparently led the international community, and in particular the United Nations agencies and programmes in the country, to avoid open discussion of the problem with the authorities, which in turn impeded their ability to provide assistance to the displaced. An exception was the International Committee of the Red Cross (ICRC), which, in close cooperation with the Mexican Red Cross (MRC), and in its usual discreet manner, was providing assistance to internally displaced persons. Local

human rights and religious groups also provided important assistance to the displaced population, notwithstanding their limited resources and security concerns.

5. The Representative's discussions with the authorities revealed a much greater willingness to address displacement issues than he had been led to expect prior to arrival. While the mission revealed that internally displaced communities confront a number of serious protection and assistance problems, the Representative was encouraged by the Government's willingness to engage with him in constructive dialogue and its stated commitment to address the problems of internally displaced persons. The Government's invitation for the Representative to visit the country was clearly a positive sign of a policy change with regard to issues of displacement and human rights. The formulation, adoption and implementation of a policy on internal displacement, as well as the current efforts towards adoption of a National Human Rights Plan of Action, present an important opportunity for the international community, international non-governmental organizations (NGOs) and local civil society, to cooperate with the Government in addressing the situation of internal displacement in Mexico.

6. The programme of the visit, as described in section II, was coordinated at the local level by the Office of the Under-Secretary for Human Rights and Democracy of the Ministry of Foreign Affairs with the cooperation of the Office of the United Nations Resident Coordinator in Mexico, in close consultation with the Permanent Mission of Mexico in Geneva and the Office of the United Nations 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 obstacles 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.

7. The Representative would also like to express his appreciation for the cooperation and support provided to him by representatives of NGOs, which facilitated his consultations with displaced communities in the states of Chiapas and Guerrero, as well as on-site visits, including to an "autonomous community" in Chiapas.

8. The Representative regrets that the short duration of his mission prevented him from visiting more displaced communities in other parts of the country. As previously disclosed in a public statement,<sup>a</sup> the Representative was not able to visit the communities of Tila and San Marcos, in the municipality of Salto de Agua, as originally planned because of logistical barriers.

## **I. OVERVIEW OF DISPLACEMENT IN MEXICO**

9. No official statistics on internally displaced persons in Mexico are available. It is therefore difficult to assess their numbers, location, specific needs and how they are being met. The authorities acknowledged this problem and expressed interest in addressing it. The indigenous population of Mexico, which represents approximately 17.8 million persons, has suffered the greatest internal displacement, concentrated in particular in the state of Chiapas. Local NGOs and certain international organizations have estimated the numbers of the internally displaced

population in Chiapas to be between 16,000 and 21,000.<sup>b</sup> Although the numbers of displaced in Mexico are relatively small compared to many other countries affected by internal displacement, their suffering due to their situation is very real and should not be understated.

10. While forced displacement in Mexico has multiple causes, the conflict in Chiapas is primary; no peace agreement between the parties to the conflict has been reached that effectively addresses the political, economic and social grievances of the indigenous population, which are at the heart of the conflict.

11. Forced displacement has occurred in Mexico for a variety of other reasons as well, including disputes over land, drug trafficking, religious intolerance, development projects and natural disasters (earthquakes, flooding, volcano eruptions) in states such as Oaxaca, Tabasco and Sinaloa. While each of these causes, and the needs of those internally displaced by them, are of concern to the Representative, this report focuses on the displacement resulting from the ongoing conflict in Chiapas.

12. Large-scale and long-term displacement in the state of Chiapas can be mainly attributed to several developments: the armed confrontation between the Mexican military and the Zapatista Army of National Liberation (known as “Zapatistas”), which commenced in 1994; the 1995 counter-insurgency operations by the military; and the 1997 massacre in Acteal by paramilitary groups. While most of the displacement in the southern state of Chiapas occurred in the second half of the 1990s, continued smaller-scale displacement has been documented more recently, mainly due to ongoing harassment and intimidation of indigenous people by groups described by some as paramilitary and by the Government and others as armed civilian and criminal elements.

## **II. THE MISSION AND ITS FINDINGS**

### **A. The programme of the visit**

13. The timing of the invitation from the Government and of the mission were very opportune, particularly in light of the current initiatives to elaborate a “National Human Rights Plan of Action”, with the support of the Office of the High Commissioner for Human Rights. The Government has declared its intention to develop a comprehensive policy on internally displaced persons and is interested in maintaining a dialogue with the Representative in this regard.

14. The programme of the Representative’s visit included consultations with federal, state, and municipal authorities in Mexico City and in the states of Chiapas and Guerrero. In Mexico City, the Representative met with the Secretary of Foreign Affairs, the Secretary of the Interior, the Under-Secretary for Human Rights and Democracy in the Secretariat of Foreign Affairs, the Under-Secretary for Social and Human Development in the Social Development Secretariat, the Under-Secretary of Public Education, the President of the Matias Romero Institute attached to the Secretariat of Foreign Affairs, several members of both chambers of Congress, including the President of the Human Rights and Justice Commission of the Senate, high-ranking representatives from the Secretariat of Defence, the Peace and Reconciliation Commissioner in the state of Chiapas, and the Director-General of the National Indigenous Institute. He also met

with the Executive Secretary of the National Human Rights Commission and the Special Rapporteur of the Commission on Human Rights regarding the situation of human rights and fundamental freedoms of indigenous people as well as with representatives of the Mexican Red Cross (MRC) in Mexico City and in San Cristóbal de las Casas in Chiapas.

15. In the state of Chiapas, the Representative met with the state Governor, the state Minister of the Interior, the General Government Secretary, the state Under-Secretary for Social Development, the state Minister for Indigenous People, the President of the state Human Rights Commission, the Reconciliation Commissioner for the Communities in conflict in the state of Chiapas, representatives of the Procuraduría General de la República (PGR), a high-ranking officer from a military base near the community of Los Chorros, and several other senior state officials. He also met with community representatives and displaced persons and visited the communities of Polho, Los Chorros and Ocosingo. The Representative regretted not having been able, for logistical reasons, to visit the communities of San Marcos (municipality of Salto de Agua) and Tila as originally planned.

16. The Representative also paid a one-day visit to Chilpancingo, the capital of the state of Guerrero, where he met with the state Secretary of the Interior, the state Attorney-General and other senior officials, as well as with the President of the state Human Rights Commission. Given the limited time available for this visit, the Representative was not able to undertake any field visits in Guerrero, but received information on the situation of internal displacement, both from representatives of several communities and from representatives of several human rights NGOs monitoring the situation on the ground, who travelled to Chilpancingo to meet with him.

17. The Representative had extensive consultations with the acting United Nations Resident Coordinator, representatives of some United Nations agencies and programmes, the International Committee of the Red Cross (ICRC), representatives of the donor community and several representatives of humanitarian, human rights and development NGOs, as well as with religious groups and representatives from different academic and research centres in the country.

18. The Representative was invited to give a lecture on "The global crisis of internal displacement and State responsibility" at the Matias Romero Diplomatic Institute, affiliated with the Secretariat of Foreign Affairs. In Chiapas, he also gave a lecture on the Guiding Principles on Internal Displacement at the National Autonomous University. At the end of his mission, the Representative issued a press release and gave a press conference.

## **B. Approach of the Representative**

19. During his dialogues with government authorities and others, the Representative explained the approach of his mandate. He affirmed his respect for national sovereignty, while noting that State sovereignty carried with it the responsibility of Governments to protect and assist their citizens in cooperation with the international community, including in the very challenging situations of internal conflict. He explained that his function as Representative of the Secretary-General on internally displaced persons was to serve as a catalyst, raising awareness of the problem of displacement and exploring common grounds for international cooperation.

20. The Representative also drew attention to the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) and was encouraged to find that they had been very well received in Mexico by the federal and state authorities as well as by the NGOs. The Guiding Principles were cited by many as a good basis for the development of policies and operational programmes in response to the protection and assistance needs of the internally displaced, as well as for their voluntary return in safety and dignity.

### **C. Addressing the current conditions of the displaced**

21. As noted above, the mission of the Representative took place in a positive climate, with discussions between the Representative and the authorities revealing a spirit of openness and willingness to address the problem of displacement. Consultations with the internally displaced and others directly assisting them were also held in a spirit of cooperation, with many expressing the hope that the visit of the Representative would translate into more attention to the problems of the displaced population.

22. The missions of the Representative often generate opportunities for the authorities to become more closely acquainted with the situation of displacement in their own countries. In preparation for the mission of the Representative, the federal Government and the state of Chiapas set up a task force on internal displacement. At the invitation of the government of the state of Chiapas, a delegation headed by the Under-Secretary for Human Rights and Democracy of the Ministry of Foreign Affairs visited several camps of internally displaced persons prior to the Representative's mission. Given the stated goal of the federal Government of Mexico to undertake a comprehensive assessment of the situation of displacement at the national level and to formulate a state policy on internal displacement, the Representative hopes that these plans will soon materialize, and that all concerned will work together to address the needs of the people affected by displacement, particularly in the south of the country. Toward this end, the OHCHR might consider extending technical assistance to the Government of Mexico as needed.

23. While recognizing that instances of displacement have occurred in Mexico for decades for a variety of reasons, government officials primarily focused on explaining the steps taken by the current administration to promote and protect human rights as well as initiatives to improve the living conditions of the displaced, a problem inherited from past administrations. The authorities of Chiapas also briefed the Representative on their efforts to facilitate the voluntary return and resettlement of those displaced by the armed conflict in that state, as well as on their many mediation and reconciliation initiatives to resolve communal conflicts due to religious intolerance, drug trafficking, land conflicts and other disputes.

24. In Chiapas, state and municipal authorities expressed their commitment to effectively address the problem of internal displacement and assured the Representative that they were interested in finding durable solutions to the problems of the displaced. The authorities stated that they had studied the Guiding Principles on Internal Displacement, and they acknowledged their primary responsibility to assist and protect internally displaced persons and to establish the necessary conditions to allow people to return or resettle in safety and in dignity. The situation was described as being very complex, in particular given the current "impasse" in the peace process and the limited resources available to assist the displaced communities. But, as noted by one

state official, “Chiapas is a rich state full of poor people” and many of the needs of the displaced are also the needs of others in the state as well.

25. Local authorities recognized the importance of addressing the root causes and explained to the Representative that they had adopted a positive policy toward indigenous people, seeking to include them in the development of all state programmes. Some cooperative efforts between the state and municipal authorities and civil society groups assisting the internally displaced have taken place. Notwithstanding these efforts, the Representative perceived a strong sense of alienation and neglect on the part of the displaced population as well as the local groups. To a certain degree, regional and local authorities shared the popular sentiment that the central Government was not sufficiently responsive to the needs of the people. These sentiments contrasted sharply with the positive statements by federal authorities in Mexico City. The Representative believes that it is important for the authorities to bridge this gap, to gain the trust of the communities and to work together to address their needs. For the policies of the Government to be appreciated by internally displaced communities, they should be better known to them; the authorities need to ensure that the displaced are involved in the assessment of their needs, the planning and management of assistance, and their relocation. The full participation of internally displaced women in these processes of consultation also must be ensured.

26. Of particular concern is the lack of access to displaced people living in the so-called “autonomous communities” under the control of the Zapatistas. The Representative was told that these communities do not accept any assistance from the Government and depend mainly on the limited assistance provided to them by the MRC, the ICRC, and some local groups since these are the only organizations that have access to them. The Government expressed concern over its inability to assist these communities, in particular its inability to address the security problems reportedly due to the activities of paramilitary or armed civilian groups. While the Representative was told that the communities prefer this situation to the presence of the army, he believes that it is important for all parties to agree on alternative measures (such as the opening of “safe passages” or “neutral zones”) to ensure, at least, access by the internally displaced to basic services and humanitarian assistance.

27. During his visit to the “autonomous community” of Polho, the Representative addressed this issue with the community leaders. He was able to see that people living in these communities have suffered greatly, and some may have been traumatized. One woman told the Representative that she could not remember where she came from, recalling only that her entire family had been killed. People in this community told the Representative that they wanted peace and for the Government to respond to their demands as a distinct group. They wanted their culture to be recognized and they resented what they saw as the intimidation and marginalization of the poor indigenous people. They complained to the Representative about the presence of the army, which, together with the police, they claimed supported paramilitary groups. From the perspective of the Government, the security situation in the area makes the deployment of the military imperative. The Representative was indeed informed about the social work being carried out by the military forces on behalf of some communities of returnees, such as in the community of Los Chorros, where they have been distributing food and other aid. On the other hand, there is a clear and urgent need to protect the internally displaced population from the widely acknowledged acts of intimidation and harassment by paramilitary or armed civilian groups and other such actors. The displaced also complained that the food rations provided to

them by the Red Cross had recently been cut in half, noting in particular that they did not have any land to cultivate around the village. Further, they explained that most of the nearby land was under the control of the paramilitary groups.

28. The Representative's field visits to displaced communities, as well as the information he received from those directly assisting them, both in Chiapas and in Guerrero, indicated that important protection and assistance problems remained. In Chiapas, the Representative was informed that the Government was trying to meet basic needs of food and housing facilities, but internally displaced persons with whom the Representative met all expressed concern about the inadequacy of the assistance they received.

29. During meetings with the internally displaced, several persons described their needs, the type of assistance they received and their overall situation. As in most countries affected by displacement, women and children make up the great majority of the displaced population in Mexico. The Representative received reports that thousands of the displaced have been suffering food shortages and malnutrition, in particular children and women. The living conditions of the internally displaced in the camps were very poor. Some of the camps, especially those more recently created, lacked regular access to drinking water and other basic services. Most internally displaced persons do not have land to cultivate and therefore must accept work at menial, low-paying jobs which do not enable them to support their families. NGOs reported that indigenous children and women in displaced families have become more vulnerable to exploitation, and displaced children often have difficulty accessing the public school system for a variety of practical reasons, including lack of financial means for transport and other necessities. Social groups and the internally displaced have called on the Government to investigate past human rights violations, to prosecute those responsible for abuses and to put an end to impunity. The Representative was informed also that, in many communities, there was a serious lack of access to justice by indigenous people, who also demanded compensation and reparation for past human rights abuses.

30. It is worth noting the important role that the MRC and ICRC<sup>c</sup> have played in assisting the victims of the conflict, the civilian population and displaced communities in Chiapas since early 1994. Assistance provided by the MRC and the ICRC has included medical services to injured victims, establishment of temporary camps for 20,000 internally displaced persons and humanitarian assistance in the form of food, blankets, firewood, basic cooking instruments (*molinos para nixtamal*, or corn-maize grinders, and tortilla-makers), agrarian instruments to work the land, materials for the construction of stoves and the elaboration of comales, tinacos to collect rain water, basic health and family planning services, medicines and vaccinations. They also facilitated the safe transportation and passage of Zapatista leaders to places where the peace negotiations took place.

31. During consultations with several academic and research institutions, both in Mexico City and in Chiapas, the Representative learned that important studies on the phenomenon of displacement had been undertaken. In particular, he was informed about research undertaken on the impact of displacement on women and children, the psychological impact on victims of forced displacement, the health conditions of displaced women and girls, displacement by natural disasters, and related human rights research. The Representative believes that it is important to encourage and support such initiatives to better understand the problem of



displacement and the needed response. He was also encouraged to learn that many organizations were interested in participating in new research, training, and expert meetings that could lead to a better understanding of the problem and which could be organized in collaboration with the Representative and other organizations.

32. United Nations agencies and programmes with a presence or representation in Mexico have not been involved in addressing the needs of the displaced population. The fact that the policy of the Government on internal displacement is in the process of being developed, and is, therefore, still unknown to the representatives of the international community, may account for the absence of international cooperation with the Government in addressing the problem. However, the international community has in the past, on several occasions, successfully assisted victims of natural disasters in the country in contrast to its lack of involvement with those displaced by conflict.

33. Not long after his mission to the country was completed, the Representative was informed that the Government had reconvened the inter-ministerial task force in order to assess the results of his visit. The Secretariat of Public Education, the Secretariat of Health, the Ministry of the Interior, the Ministry of Justice, the Ministry of Agrarian Reform, representatives of the state of Chiapas and others joined the task force in this effort. He was informed that the task force group would initiate a process of consultations to conduct a comprehensive assessment of the situation of internal displacement in the country.

#### **D. Return, local integration or resettlement**

34. The implementation of concrete strategies and programmes, including in particular support for voluntary return, local integration or alternative resettlement in safety and in dignity, and development for the displaced population in Chiapas, should be encouraged, not least because they can greatly contribute to peace as well as to the restoration of confidence among the population. The necessary conditions need to be established and the means provided for internally displaced persons to return, locally integrate or resettle. Such conditions mean creating a safe environment and one that is economically sustainable.

35. Most internally displaced persons with whom the Representative met wanted to return to their places of origin but, if the security conditions did not allow return, would agree to be relocated temporarily. They told the Representative that their living conditions for the past eight years had been very poor. The displaced communities called for full compliance by the Government with the 1996 San Andrés Agreements and the withdrawal of the army from their communities. They also called for an end to the harassment and intimidation, which they allegedly suffered at the hands of members of paramilitary or armed civilians groups. Most displaced persons who spoke with the Representative told him that they had lost all of their personal belongings as a result of their displacement. They lost their cattle, their land and other means of survival. They wanted assistance and compensation for their losses and suffering.

36. The state authorities were well aware of the needs of the displaced communities and indicated to the Representative that they were committed to finding concrete and durable solutions to their problems. 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 the negotiation of their conditions of return and the assessment of their needs. The authorities recognized that the conditions necessary for the safe return of all displaced persons had not yet been created and indicated to the Representative that they were ready to find alternative places for their resettlement if return were not possible. The authorities told the Representative that they were committed to assist the communities to return or to resettle, but that what they could do was limited because of lack of resources. They also reported that they had assisted returnees to build houses in the north of the state and that they had set up health and social programmes.

37. The MRC, with the support of the ICRC, had also been assisting displaced communities to return to their places of habitual residence. They provided logistical support and transportation to the people, as well as medical assistance, construction materials and instruments, stoves and communal latrines and kits for basic hygiene. They also assisted returning communities in building communal centres and facilitated training of health, nutrition and environment promoters.

38. The initiatives to support the voluntary return and the resettlement of the displaced communities were encouraging. However, the Representative received information indicating that some of the returns had not been voluntary, in light of the cuts in assistance at the camps. Concerns were also expressed about regional economic development plans promoted by the federal Government as part of regional efforts to expand the free market zone for the Americas which might represent a potential threat of further displacement to the population of the state of Chiapas.

39. A primary obstacle to return remained the continuing harassment of the population by paramilitary or armed civilian groups. This problem was raised with state and federal authorities who acknowledged having a problem with “delinquents”, but stated that all efforts and appropriate legal actions were being taken to address these situations. It was suggested to the Representative that the Government should make an effort to dismantle these groups and to collect all arms. Members of the paramilitary or armed civilian groups were said to be people in the communities who wished to influence the use of the land.

### III. CONCLUSIONS AND RECOMMENDATIONS

**40. The expressed political commitment to the promotion and protection of human rights, as well as the interest of the authorities at all levels to address the problems of internal displacement in the country present an opportunity for the international community and local civil society to cooperate with the Government in addressing the needs of the displaced more effectively and supporting the voluntary return in safety and dignity, or seeking alternative resettlement and programmes of reintegration and development. With this consideration in mind, the Representative makes several recommendations.**

**41. Formulation, adoption and implementation of government policies:** the federal, state and municipal authorities all assured the Representative of their commitment to effectively address the problem of internal displacement in the country. There is an urgent need for these authorities to accelerate the formulation, adoption and implementation of policies on internal displacement. Such policies should be linked to other human rights policies, plans and programmes. They should seek to address issues of protection from arbitrary displacement, current needs for protection and assistance and the possibilities for the voluntary return, resettlement or local integration of displaced persons in safety and in dignity. Such policies should take into account the specific needs of children and women and ensure that gender issues are integrated into all strategies and programmes. They should be developed in consultation with the displaced and widely disseminated.

**42. Collection of data to ascertain the magnitude of the problem on internal displacement:** There is a need for more comprehensive, detailed and reliable data, disaggregated by gender and age, on the numbers, location and profile of persons displaced in Mexico. It is essential to obtain an accurate picture of the current conditions and specific needs of the displaced: the necessary resources, both human and material, should be made available for this purpose. A centralized data collection, analysis and information system should be established to enable the effective use of this data, in particular for the elaboration of policies, strategies and programmes. Local authorities should consider requesting technical and financial assistance from the international community. Cooperation with experienced research and academic centres should also be explored.

**43. Targeting special needs of the internally displaced in programmes and structures:** Government policies and sectoral plans and programmes should target the specific needs of the internally displaced population. Establishing focal points on internal displacement at various levels of government (i.e., federal, state and municipal) could help to ensure that government services extend their coverage to internally displaced communities.

**44. Coordination mechanisms:** Efforts by state authorities to address the problem of internal displacement have been initiated without much coordination with federal authorities. In some cases, state authorities have been open to some coordination with civil society; such partnerships need to be expanded. It is important to establish coordination mechanisms within the federal Government, between the federal and state governments, and with humanitarian, human rights and development NGOs, and the international community, to respond more effectively to the crisis of displacement.

**45. Increasing protection and assistance for those still displaced:** Assistance to the internally displaced population has been very limited. The proposed new policies on internal displacement should seek to ensure that the protection and assistance needs of those still displaced are met. While the process of elaboration and adoption of such policies is under way, the federal, state and municipal governments in the meantime should work to ensure that the needs of the internally displaced, in particular for food, safe water, health services, and housing, are met. Particular and urgent attention should further be paid to protecting internally displaced persons from continuing acts of intimidation and harassment by paramilitary or armed civilian groups and other such actors.

**46. Facilitating safe humanitarian access to the internally displaced:** The limited access to displaced communities in the so-called “autonomous communities” in Chiapas is of particular concern in light of the current impasse in the peace negotiations. The Government should consider seeking the cooperation of the international community to ensure that the urgent protection and assistance needs of internally displaced communities in these areas are met.

**47. Assistance for return, resettlement or local integration:** The Representative was encouraged to see that assistance for the return or resettlement of displaced communities has been provided in some areas. As part of the proposed new policies, the Government should seek to further promote and support the voluntary return of the internally displaced to their original homes, alternative resettlement for those not wishing to return or local integration of those wishing to remain in their present areas of residence, in safety and dignity. Supporting internally displaced persons to reintegrate and regain self-sustaining livelihoods and access to land should also be a priority. The Government should seek the assistance of the international community to implement projects to assist return, resettlement, or local integration.

**48. Cooperation with the international community:** The Representative was encouraged to see that federal, state and municipal authorities were generally receptive to the idea of cooperating with civil society and the international community in order to address the needs of the displaced. To facilitate the identification of possible areas for coordinated response, the Representative encourages the Government, in cooperation with United Nations agencies and programmes, and other relevant actors, to consider organizing a workshop on internal displacement, in collaboration with his office and the Internal Displacement Unit of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA IDP Unit).

**49. Strengthening the United Nations response to internal displacement at field level:** United Nations agencies and the international community have thus far not been involved with the problem of internal displacement, in particular in the state of Chiapas, mainly due to the approach of the previous Government to the conflict in Chiapas. The open policy of the present Government to international cooperation raises the opportunity for a more engaged United Nations response to the situation of displacement. To facilitate greater involvement by the United Nations country team in providing protection and assistance to the internally displaced, the OCHA IDP Unit should undertake a review mission to the country to assess the capacities and contributions of the operational agencies, identify gaps in the international response and assist the country team in developing a programme of action for responding to the needs of the internally displaced.

**50. Disseminating the Guiding Principles at the regional level:** The Representative was encouraged by the expressed commitment of the Government to address the problem of internal displacement in Mexico and its acknowledgement of the Guiding Principles on Internal Displacement as a useful tool for developing national policies and programmes for the internally displaced. The Representative hopes that Mexico will become a model of

positive response to the protection and assistance needs of internally displaced persons. Given the extent to which the Guiding Principles have already been used within the country at different levels as a tool of response to the crisis, the Representative reiterates his appreciation for the Government's willingness to host a regional seminar or workshop on the use and application of the Guiding Principles on Internal Displacement, to be organized in collaboration with his office and other partners.

51. Seeking solutions to the conflict: Finally, while promoting the peace process was outside the immediate objectives of the mission, it should be noted that the best remedy to the crisis of internal displacement would be the achievement of peace and national reconciliation which, in turn, would depend on addressing the underlying causes of the conflict, which involve political, economic and social grievances. The Representative believes that the parties to the conflict in Chiapas should make all efforts to seek opportunities to break the impasse, restore a degree of confidence, reactivate the peace process, work toward reconciling their differences, and ensure lasting solutions for the people the conflict has displaced.

#### Notes

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<sup>a</sup> Letter dated 26 August 2002, from the Representative of the Secretary-General on internally displaced persons to La Jornada newspaper, in response to an article published by the newspaper on 25 August 2002. Letter published on 2 September 2002.

<sup>b</sup> The ICRC has reported that by the end of 2002, it was providing assistance to 3,591 internally displaced persons. The United States Committee for Refugees (USCR) estimates that 16,000 people remained internally displaced in Chiapas by the end of 2000 (source: USCR 2000 report). According to the Norwegian Refugee Council, between 7,000 and 10,000 people remained internally displaced in Chiapas at the end of 2001 (source: Global IDP Survey, Global IDP Project, Second Edition, 2002).

<sup>c</sup> This information is based on data provided to the Representative by the MRC during his mission.

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