

PHILIPPINES

Special Decisions or Action Taken Re: Reporting, Including Urgent Action Procedure

CERD, A/62/18 (2007)

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Chapter II

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES

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30. At its seventy-first session, the Committee requested the Chairperson to send a letter to the Government of the Philippines informing it that the Committee had considered on a preliminary basis under its early warning and urgent action procedure information with regard to the situation of the Subanon of Mount Canatuan, Siocon, Zambonga del Norte. Recalling its concluding observations of 1997 and in view of the fact that the problems faced by this indigenous community seemed to call for immediate attention, the Committee requested the State party to respond to a series of questions no later than 31 December 2007. The Committee further reminded the State party that its fifteenth to nineteenth periodic reports were overdue. It therefore strongly encouraged the State party to submit its overdue reports, in a single document, by 30 June 2008.

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19. During the reporting period, the Committee again considered a number of situations under its early warning and urgent action procedure, including in particular the following:

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27. Following the receipt of information from the Government of the Philippines on the situation of the community of the Subanon of Mount Canatuan, Siocon, Zamboanga del Norte, the Committee, by a letter to the Government dated 7 March 2008, expressed its continued concern and sought further clarifications. The Government responded to the questions posed by the Committee by a letter dated 30 June 2008. At the seventy-third session, in light of the ongoing mining activities of transnational companies without prior consent on the traditional lands of the community of the Subanon, the Committee's working group on early warning and urgent action heard a briefing by a non-governmental organization and also met with the Deputy Permanent Representative of the Philippines to the United Nations in Geneva. By a letter dated 15 August 2008, the Committee sought further clarifications from the Government on some issues.

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Chapter V: Review of the Implementation of the Convention in States Parties the Reports of Which are Seriously Overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

525. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the

Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of the implementation of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

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528. Following its seventy-second session, the Committee decided to schedule for its seventy-third session a review of the implementation of the Convention in the following States parties whose initial or periodic reports were seriously overdue: Belize, Chile, Peru and the Philippines. Chile and the Philippines were withdrawn from the list prior to the seventy-third session following the submission of their overdue reports.

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15. During the reporting period, the Committee also considered a number of situations under its early warning and urgent action procedure, including in particular the following.

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28. At its seventy-seventh session, the Committee further considered the situation of the community of the Subanon of Mount Canatuan, Siocon, Zambonga Del Norte in the **Philippines**. By a letter dated 27 August 2010, the Committee reiterated its previous request, communicated in a letter dated 15 August 2008, to respect the customary practices and rights of all people within their ancestral territory, which continue to be threatened by mining operations. The Committee further urged the State party to implement its previous recommendation relating to this issue contained in the concluding observations (CERD/C/PHL/CO/20) adopted at its seventy-fifth session, following the consideration of the State party's report.

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