

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

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SENATE
P. S. R. No. 385

DATED BY:

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS, THE SENATE COMMITTEE ON NATIONAL DEFENSE AND SECURITY, THE SENATE COMMITTEE ON PEACE, UNIFICATION AND RECONCILIATION, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED USE OF LANDMINES BY THE NEW PEOPLE'S ARMY IN ITS GUERILLA TACTICAL OFFENSIVES

WHEREAS, according to a 21 November 2005 news report in the *Philippine Daily Inquirer*, members of the New People's Army (NPA) blew up an Army truck in Iloilo using landmines and then raked it with gunfire, killing at least nine soldiers and wounding 20 others;

WHEREAS, according to the International Campaign to Ban Landmines (ICBL), a network of more than 1,400 organizations in 90 countries working for a global ban on landmines, most casualties of land mines are civilians and most live in countries that are now at peace;

WHEREAS, in the Philippines, 10 landmine incidents were reported between 2002 and 2004, in which 23 people were killed and 37 others injured; landmine incidents continue to be reported, including the death of four marines in a mine clearance operation, and the death of three hikers in Misamis Occidental;

WHEREAS, the use of landmines are prohibited by the Ottawa Convention, or the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction*;

WHEREAS, the Philippines ratified the treaty on 15 February 2000, and the treaty entered into force on 1 August 2000; under the treaty, the Philippines had four years from the treaty's effectivity, or until 1 August 2004, to destroy its landmine stockpile; further, it has ten years, or until 1 August 2010, to clear its territory of landmines;

WHEREAS, the parties to the treaty are mandated never, under any circumstance, to use anti-personnel landmines;

WHEREAS, the NPA has refused to sign any agreement on the non-use of landmines on the ground that it would only favor the Armed forces;

WHEREAS, the NPA has stated on several occasions that it uses improvised anti-vehicle mines only in command-detonated mode;

WHEREAS, under the Ottawa Convention, anti-personnel mines are defined as mines "designated to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designated to be detonated by the presence, proximity or contacts of a vehicle as opposed to a person, that

are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.”

WHEREAS, in a press statement, Army spokesperson Maj. Bartolome Bacarro said that “rebels have been using landmines for a long time”; in a recent Misamis Occidental ambush last 9 October 2005, the military said that the NPA also used landmines;

WHEREFORE, be it resolved, as it is hereby resolved by the Philippine Senate, to direct the Senate Committee on Justice and Human Rights, the Senate Committee on National Defense and Security, and the Senate Committee on Peace, Unification and Reconciliation, to conduct an inquiry, in aid of legislation, the reported use of landmines by the New People’s Army in its guerilla tactical offensives.

Adopted,


MIRIAM DEFENSOR SANTIAGO
dsb