



R E S U L T S

**102nd CONFERENCE
AND RELATED MEETINGS**

OF THE

INTER-PARLIAMENTARY UNION

BERLIN (GERMANY)

8 - 16 OCTOBER 1999

TABLE OF CONTENTS

	<u>Page</u>
A. 102nd Inter-Parliamentary Conference	
1. Inaugural Ceremony	1
2. Participation	1
3. Selection of a supplementary item	2
4. Proceedings and decisions of the Conference and its Study Committees:	
(a) General Debate on the political, economic and social situation in the world	3
(b) Contribution of parliaments to ensuring respect for and promoting international humanitarian law on the occasion of the fiftieth anniversary of the Geneva Conventions	3
(c) The need to revise the current global financial and economic model	4
(d) The contribution of parliaments to the peaceful coexistence of ethnic, cultural and religious minorities, including migrant populations, within one State, marked by tolerance and the full respect for their human rights	5
B. 165th Session of the Council of the Inter-Parliamentary Union	
1. Membership of the Union	7
2. Cooperation between the Union and the United Nations System	7
3. Conference of Presiding Officers of National Parliaments at United Nations Headquarters in the Year 2000	8
4. Construction of a new Headquarters building for the Union in Geneva	8
5. Results of the parliamentary seminar on relations between majority and minority parties in African Parliaments	8
6. Activity reports	
(a) Report by the President of the Council	9
(b) Interim report of the Secretary General on the activities of the Union since the 164 th session of the Council	9
(c) Four-yearly evaluation of the activities of the Union's members	9
7. Meeting of Women Parliamentarians	9
8. Security and Cooperation in the Mediterranean	9
9. Human Rights of Parliamentarians	9
10. Situation in Cyprus	10
11. Middle East Questions	10
12. International Humanitarian Law	10
13. Gender Partnership Group	10
14. Programme and Budget for the Year 2000	10
15. Future Inter-Parliamentary Meetings	11
C. 229th Session of the Executive Committee	12
D. Second Meeting of Women Parliamentarians	14
E. Subsidiary Bodies and Committees	

1.	Meeting of Representatives of the Parties to the CSCM process	16
2.	Committee on the Human Rights of Parliamentarians	16
3.	Group of Facilitators for Cyprus	17
4.	Committee on Middle East Questions	17
5.	Committee to Promote Respect for International Humanitarian Law	18
6.	Gender Partnership Group	18
7.	Committee for Sustainable Development	18
F.	Membership of the Union as of 16 October 1999	19
G.	Elections and Appointments	
1.	Office of President of the 102 nd Inter-Parliamentary Conference	20
2.	Office of President of the IPU Council	20
3.	Executive Committee	20
4.	Study Committees of the Inter-Parliamentary Conference	20
5.	Committee on the Human Rights of Parliamentarians	20
6.	Gender Partnership Group	21
7.	Committee for Sustainable Development	21
8.	Committee on Middle East Questions	21
9.	Auditors	21
10.	Representative of the Executive Committee on the Management Board of the Staff Pension Fund	21
H.	102nd Inter-Parliamentary Conference: Statement and Resolutions	
1.	Statement by the President of the 102 nd Conference of the Inter-Parliamentary Union on behalf of the participants regarding the situation in Pakistan	H-1
2.	Results of roll-call votes on requests for inclusion of a supplementary item in the Conference agenda	H-2
3.	Results of the roll-call vote on a request for inclusion of an emergency supplementary item in the Conference agenda	H-3
4.	Resolution: <i>Contribution of parliaments to ensuring respect for and promoting international humanitarian law on the occasion of the fiftieth anniversary of the Geneva Conventions</i>	H-4
5.	Results of the roll-call vote on request of the delegation of Uruguay to vote separately on chapter III of the draft resolution on item 4	H-5
6.	Resolution: <i>The need to revise the current global financial and economic model</i>	H-6
7.	Results of the roll-call vote on the proposal of the delegation of the Libyan Arab Jamahiriya to introduce a new paragraph after operative paragraph 16 of the draft resolution on item 5	H-7
8.	Resolution: <i>The Contribution of Parliaments to the Peaceful Coexistence of Ethnic, Cultural and Religious Minorities, including Migrant Populations, Within One State, Marked by Tolerance and the Full Respect for their Human Rights</i>	H-8
9.	Results of the roll-call vote on the proposal of the delegation of Canada to add three paragraphs to the preamble and one paragraph to the operative part of the draft resolution on item 6	H-9
I.	103rd Inter-Parliamentary Conference and other future meetings	
1.	Agenda of the 103 rd Inter-Parliamentary Conference	I-1
2.	List of international organisations and other bodies to be invited to follow the work of the 103 rd Inter-Parliamentary Conference as observers	I-2
3.	Future meetings and other activities	I-3
4.	Modalities of the Parliamentary Meeting on the occasion of UNCTAD X	I-4
5.	Tripartite meeting on "Democracy through partnership between men and women" New York, UN Headquarters	I-5

6.	Modalities of the Parliamentary Meeting on the occasion of the "Copenhagen+5" Special Session of the United Nations General Assembly	I-6
7.	Modalities of the III rd Inter-Parliamentary Conference on Security and Co-operation in the Mediterranean	I-7
8.	Modalities for the Conference of Presiding Officers of National Parliaments at UN Headquarters in 2000	I-8

J. Council: Reports and decisions

1.	Budget of the Inter-Parliamentary Union for the year 2000	J-1
2.	Table of contributions to the budget of the Inter-Parliamentary Union for the year 2000...	J-2
3.	Results of the Parliamentary Seminar on Relations between Majority and Minority Parties in African Parliaments	J-3
4.	Report of the Committee on Middle East Questions	J-4
5.	Report of the Committee to Promote Respect for International Humanitarian Law	J-5

K. Council: Resolutions concerning the human rights of parliamentarians

1.	Mr. Ramón Eduardo Saadi, Mr. Carlos Angel Pavicich, Ms. Olinda Montenegro, Mr. Carlos Lorenzo Tomasella and Mr. Nicolas Alfredo Garay, of Argentina	K-1
2.	Mr. Andrei Klimov, Mr. Vladimir Koudinov, Mr. Victor Gonchar and Mr. Valery Shchukin, of Belarus ..	K-2
3.	Mr. Tek Nath Rizal of Bhutan	K-3
4.	Thirty parliamentarians in Burundi	K-4
5.	Mr. Sam Rainsy, Mr. Son Soubert, Mr. Pol Ham, Mr. Son Sann and Mr. Kem Sokha, of Cambodia	K-5
6.	Mr. Pedro Nel Jimenéz Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, of Colombia	K-6
7.	Mr. Hernán Motta Motta of Colombia	K-7
8.	Mr. Joseph Olenghankoy and Mr. Eugène Diomi Ndongala Nzomambu of the Democratic Republic of the Congo	K-8
9.	Mr. Ahmed Boulaleh Barreh, Mr. Ali Mahamade Houmed and Mr. Moumin Bahdon Farah, of Djibouti	K-9
10.	Mr. Jaime Hurtado González and Mr. Pablo Vicente Tapia Farinango, of Ecuador	K-10
11.	Mr. Lamin Waa Juwara, of Gambia	K-11
12.	Mr. Omar Jallow, of Gambia	K-12
13.	Mr. Mamadou Bhoeye Ba, Mr. Mamadou Barry, Mr. Thierno Ousmane Diallo, Mr. El-Hadj Amiata Mady Kaba, Mr. Mamady Yö Kouyate, Mrs. Koumbafing Keïta, and Mr. Ibrahima Kalil Keïta, of Guinea	K-13
14.	Mr. Alpha Condé, of Guinea	K-14
15.	Mr. Miguel Angel Pavón Salazar, of Honduras	K-15
16.	Mr. Lim Guan Eng, of Malaysia	K-16
17.	Mr. Anwar Ibrahim, of Malaysia	K-17
18.	Forty parliamentarians in Myanmar	K-18
19.	Mr. O.J. Adewunmi, of Nigeria	K-19
20.	Mr. Ilie Ilascu, of the Republic of Moldova	K-20
21.	Fifteen parliamentarians in Turkey	K-21
22.	Mr. Hasan Mezarci, of Turkey	K-22

A. 102nd INTER-PARLIAMENTARY CONFERENCE¹

The proceedings of the 102nd Inter-Parliamentary Conference began in the International Conference Center in Berlin on the morning of Monday, 11 October 1999, with the **election by acclamation of Mr. Wolfgang Thierse, President of the German Bundestag, as President of the Conference.**

On the afternoon of 11 October, keynote addresses were delivered by Mr. Gerhard Schröder, Chancellor of the Federal Republic of Germany, Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross (ICRC) and Mrs. Mary Robinson, United Nations High Commissioner for Human Rights, followed by a declaration of the President of the Conference.

At the opening of the last meeting, held on the afternoon of Friday, 15 October, President Thierse made a statement on behalf of the Conference on the coup d'état by the military in Pakistan (the statement is reproduced in Section H). In his closing speech, Mr. Thierse made a statement about the murder of three United Nations staff members in Kosovo and Burundi, and the abduction of UN observers in Georgia. He also encouraged the parties concerned to continue the peace process in Burundi, expressing the hope that the negotiations would prove successful. Lastly, speaking on behalf of all delegates to the Conference, he expressed sorrow at the news of the death of Mr. Julius Nyerere, former President of the United Republic of Tanzania.

1. INAUGURAL CEREMONY

The 102nd Inter-Parliamentary Conference was inaugurated on 10 October at a ceremony in the Reichstag Building in the presence of **H.E. Mr. Johannes Rau, President of the Federal Republic of Germany.** Inaugural addresses were delivered, in succession, by Mr. W. Thierse, President of the Conference; Mr. Vladimir Petrovsky, Under-Secretary-General and Director-General of the United Nations Office at Geneva, who delivered a message from the UN Secretary-General, Mr. Kofi Annan; and Mrs. Najma A. Heptulla, Acting President of the Council of the Inter-Parliamentary Union. The ceremony concluded with an address by H.E. President Rau.

Extracts from the speeches delivered on that occasion will be published in the Inter-Parliamentary Bulletin (N° 2, 1999).

2. PARTICIPATION

The **Parliaments** of the following 131 countries took part in the work of the Conference²: Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius,

¹ The resolutions and reports referred to in this document, as well as general information on the Berlin session, are available on the IPU's web site at <http://www.ipu.org>.

² For the complete list of IPU membership, see Section F.

Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

The following **Associate Members** also took part in the Conference: the Andean Parliament, the Central American Parliament, the European Parliament, the Latin American Parliament and the Parliamentary Assembly of the Council of Europe.

The **observers** included representatives of: (i) Palestine; (ii) the United Nations system: the United Nations, the World Bank, the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the United Nations High Commissioner for Human Rights, UNAIDS, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP); (iii) the Council of Europe, the International Organization for Migration (IOM); (iv) the Assembly of the Western European Union, the Association of European Parliamentarians for (Southern) Africa (AWEPA), the Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), the Parliamentary Association for Euro-Arab Cooperation (PAEAC), the Maghreb Consultative Council, the Nordic Council, the Amazonian Parliament, the Union of African Parliaments (UAP), the Arab Inter-Parliamentary Union; (v) Amnesty International, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies.

Of the total of 1,599 delegates who attended the Conference, 722 were parliamentarians and 56 were observers. The parliamentarians included 49 presiding officers of parliaments, 37 deputy presiding officers and 146 women parliamentarians (20 %).

3. SELECTION OF A SUPPLEMENTARY ITEM

(a) Supplementary item

When this agenda item was addressed on the morning of 11 October, the Conference had before it six **requests for the inclusion of a supplementary item** (the delegation of **Romania** had announced the withdrawal of its request for an item entitled *Preparing for old age – a challenge for the twenty-first century: parliamentary action to promote and protect the rights of older persons and to ensure an active old age and an effective dialogue between generations*, and the delegations of **Germany** and **Mexico** (the latter acting on behalf of the Group of Latin American countries) had decided to combine the proposals of their two parliaments). The originators of three proposed supplementary items then announced the withdrawal of their requests: the delegation of **Italy** for an item entitled *Action by national parliaments to ensure the speedy ratification of the Rome Statute of the International Criminal Court*, the delegation of **Israel** for an item on *Mobilisation of the international community on behalf of earthquake victims in the Mediterranean region* and the Group of the **Islamic Republic of Iran** for an item concerning *Promotion of refugee protection through a parliamentary and legislative contribution to the principle of burden-sharing in solidarity with the countries and regions worst affected by mass movements of refugees*. As a result, the Conference had before it three requests. Following statements by the originators, a vote was taken by roll call with the following outcome:

- The item proposed by the Parliament of **Lebanon** entitled *Support for Lebanon in its continuous efforts to implement UN Security Council resolution 425 adopted in March 1978*: 523 votes to 384, with 743 abstentions (see details of the vote in Section H-2(a));

- The item proposed by the Parliament of **Iraq** entitled *Refraining from imposing an economic, scientific and cultural embargo on peoples for political purposes and calling for its lifting*: 585 votes to 459, with 606 abstentions (see details of the vote in Section H-2(b));

- The item proposed by the Parliaments of **Germany** and **Mexico** entitled *The contribution of parliaments to the peaceful coexistence of ethnic, cultural and religious minorities, including migrant populations, within one State, marked by tolerance and the full respect for their human rights*: 1,489 votes to 56, with 105 abstentions (see details of the vote in Section H-2(c)).

The joint proposal by the Parliaments of Germany and Mexico, having received not only the necessary two-thirds majority but also the highest number of affirmative votes, was added to the agenda as item 6 (see paragraph 4(d) below).

(b) Emergency supplementary item

The Conference had before it a request from the Parliament of **Portugal** for inclusion in the agenda of an emergency supplementary item entitled *The troubling situation in East Timor*. Following a statement by the originating Parliament and a statement against the proposal by a delegate of the Parliament of Indonesia, the proposal was put to the vote. The result was 749 votes to 361, with 273 abstentions. The proposal was therefore rejected since it had failed to obtain the requisite four-fifths majority. The delegation of Australia made a statement in explanation of its vote.

4. PROCEEDINGS AND DECISIONS OF THE CONFERENCE AND ITS STUDY COMMITTEES

(a) General Debate on the political, economic and social situation in the world
(Item 3)

The General Debate on the political, economic and social situation in the world took place on the afternoon of Monday, 11 October, all day on Tuesday, 12 October, on Wednesday, 13 October, from 4 p.m. to 6.30 p.m. and all day on Thursday, 14 October. A total of 153 speakers from 132 delegations took part in the debate, which was chaired by the President of the Conference. The President invited the Vice-Presidents belonging to the delegations of the following countries to replace him in the Chair: Brazil, Bulgaria, Chile, Côte d'Ivoire, Ethiopia, Hungary, Iceland, Jordan, Monaco, Norway, South Africa and Syrian Arab Republic.

Various conflict situations throughout the world, including that in East Timor, and the globalisation process figured prominently in the debate.

(b) Contribution of parliaments to ensuring respect for and promoting international humanitarian law on the occasion of the fiftieth anniversary of the Geneva Conventions (Item 4)

This item was considered on 12 and 14 October by the **Second Committee** (Parliamentary, Juridical and Human Rights Questions). The sittings were chaired by Mr. J. T. Nonô (Brazil). The Committee had before it **10 memoranda** submitted by the delegations of Australia, Chile, Congo, Denmark, Egypt, Iraq, Sudan, Switzerland, Venezuela and the Parliamentary Assembly of the Council of Europe. It also had before it **information documents** submitted by the United Nations and the International Committee of the Red Cross.

Lastly, it had before it **22 draft resolutions** submitted by the delegations of Australia, Canada, Chile, Colombia, Cuba, Denmark, Egypt, Germany, Indonesia, Iraq, Italy, Kuwait, Netherlands, Philippines, Romania, Senegal, Sudan, Sweden, Switzerland, United Kingdom, Venezuela and the Parliamentary Assembly of the Council of Europe.

Some 67 speakers took the floor during the debate on this item on 12 October. After the debate, the Committee appointed a **drafting committee** comprising representatives of the delegations of Algeria, Angola, Australia, Cambodia, Egypt, Ghana, Indonesia, Italy, Norway, Peru, Sudan and Switzerland. Representatives of the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross participated in the work of the committee as advisers. The drafting committee met all day on 12 October, with **Mr. J. McKiernan (Australia)** in the Chair and **Ms. B. Gadiant (Switzerland)** as **Rapporteur**. It selected the text submitted by the delegation of Canada as the basis for preparing the draft resolution. It then drew on the other texts and took on board suggestions from members of the committee to produce a consolidated text. The resulting draft resolution was adopted by consensus by the drafting committee.

At its sitting on the afternoon of 14 October, the Second Committee heard a report by the Rapporteur of the drafting committee, Ms. Gadiant, and considered the various sections of the draft resolution. A number of amendments were introduced to the text. Finally, the entire draft resolution **was adopted without a vote by the Committee**. The Committee then held the statutory election of its officers (see Section G-4). Following the adoption of the draft resolution by the Second Committee, the delegation of China expressed reservations on the provisions relating to the International Criminal Court and anti-personnel landmines.

Ms. Gadiant presented the conclusions of the Second Committee to the Conference on the afternoon of 15 October. The delegation of Cuba expressed reservations on the provisions relating to the International Criminal Court and landmines. The delegation of Peru expressed reservations concerning preambular paragraphs 8, 9, 10 and 11 and operative paragraphs 5, 6, 7, 8 and 9, all dealing with the International Criminal Court. The delegation of Uruguay requested a separate vote on section III of the operative part of the draft relating to the International Criminal Court. The delegations of Australia and Canada opposed the request. A roll-call vote was therefore taken on whether or not to have a separate vote on this part of the resolution. The motion was defeated by 1,004 votes to 222, with 158 abstentions (see section H-5 for the details of the vote). The Conference then **adopted the resolution without a vote** (the text of the resolution is reproduced in H-3). After the adoption of the text, the delegation of the Syrian Arab Republic expressed reservations on the paragraphs concerning the International Criminal Court and anti-personnel landmines. The delegations of Mexico and Uruguay also expressed reservations concerning the whole of section III of the operative part relating to the International Criminal Court.

(c) **The need to revise the current global financial and economic model** (Item 5)

This item was considered on 13 and 15 October by the **Third Committee** (Economic and Social Questions) which met with its President, **Mr. H. Gjellerod (Denmark)**, in the Chair. The Committee had before it **13 memoranda**, submitted by delegations from Argentina, Australia, Chile, Congo, Egypt, Hungary, India, Iraq, Japan, Malaysia, Venezuela and the Parliamentary Assembly of the Council of Europe, and by Mr. C. Becerra (Argentina). The Committee also had before it **25 draft resolutions** submitted by Argentina, Australia, Canada, Chile, Colombia, Costa Rica, Cuba, Egypt, France, Gabon, Germany, India, Indonesia, Iraq, Japan, Kuwait, Malaysia, Mexico, Philippines, Russian Federation, Senegal, United Kingdom, Venezuela, Mr. Rubeo (Argentina) and the Meeting of Women Parliamentarians. **Two information documents** prepared respectively by the IPU Secretariat and the World Bank were also before the Committee.

Mr. J. Ritzley, Vice-President, World Bank, responsible for development policy, opened the discussions with a statement. A total of 69 speakers from 62 countries and 2 international organisations took part in the subsequent debate that took place throughout the day on 13 October. Thereafter, the Committee appointed a **drafting committee** composed of representatives from Algeria, Australia, Benin, Colombia, Germany, India, Iraq, Japan, Malaysia, Mexico and the United Kingdom. In its work, the drafting committee benefited from the advice of Ms. C. von Monbart, senior Counsellor of the World Bank. The drafting committee, after electing **Mrs. C. Gallus (Australia)** as its **President** and **Mr. Y.K. Alagh (India)** as its **Rapporteur**, met throughout the day on 14 October. It used the draft resolution prepared by the delegation of Malaysia as the basis for its deliberations but also drew extensively on many of the other texts before it and took proposals from the floor. Although the consolidated draft was adopted without a vote, the drafting committee took a vote on one occasion, rejecting the Iraqi delegate's proposal to introduce a paragraph dealing with economic embargoes.

On 15 October, the Third Committee, after hearing the report by Mr. Y.K. Alagh on the work of the drafting committee, examined the proposed text paragraph by paragraph and dealt with a number of proposed amendments. Whereas 4 amendments were adopted without a vote, voting was necessary to decide the fate of 13 others, 3 of which were adopted and 10 defeated. The text of the draft resolution as a whole was thereafter **adopted by 27 votes to none, with 3 abstentions**.

On the afternoon of 15 October, Mr. Y.K. Alagh submitted the Third Committee's draft resolution to the Conference. The delegation of the Libyan Arab Jamahiriya proposed inserting a new paragraph after operative paragraph 16. The Conference adopted this paragraph, in accordance with Rule 17(4) of the Conference Rules, by 611 votes to 607, with 160 abstentions (see Section H-7 for details of the vote). Thereafter, the draft resolution as a whole was **adopted without a vote** (the resolution is reproduced in Section H-6). After the adoption of the text, the delegation of Japan expressed reservations on operative paragraph 15 and objected to new paragraph 17 adopted on the proposal of the Libyan Arab Jamahiriya.

(d) The contribution of parliaments to the peaceful coexistence of ethnic, cultural and religious minorities, including migrant populations, within one State, marked by tolerance and the full respect for their human rights (Item 6)

Having decided to add this item to its agenda, the Conference referred it to the **Second Committee** (Parliamentary, Juridical and Human Rights Questions), which examined it on 13 and 15 October with its President, Mr. J.T. Nonô (Brazil), in the Chair. The Committee had before it **two draft resolutions**, the first submitted jointly by the delegations of Germany and Mexico (on behalf of Latin America) and the second by the Canadian delegation.

On the morning of 13 October, the Committee held a debate on this item, in which 27 speakers took part. At the end of the debate, the Committee appointed a **drafting committee** composed of delegates from Algeria, Germany, Hungary, Iran (Islamic Republic of), Mexico, Romania and Sudan. The drafting committee met on the morning of 14 October and began its work by electing **Mrs. A. Köster-Lossack (Germany)** as **President** and **Rapporteur**. Taking the joint German/Mexican draft as the basis for its work, the committee adopted virtually all of its contents, with modifications. It also supplemented it with amendments tabled by the participants, especially those from Algeria, Islamic Republic of Iran and Romania. These related primarily to refugees and the planned 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. On this basis, it arrived at a consolidated text, which was **approved without dissent**.

On the morning of 15 October, the Committee heard the report of Mrs. Köster-Lossack and adopted a number of amendments to the draft text. The major changes consisted of insertions on the subject of refugees caused by environmental disasters. The modified draft resolution was **approved by 33 votes to none, with one abstention**.

On the afternoon of 15 October, the Rapporteur submitted the draft text to the final plenary sitting of the Conference. The Canadian delegation proposed the insertion of four new paragraphs relating to discrimination based on sexual orientation. These amendments were rejected by 362 votes to 810, with 187 abstentions (see Section H-9 for the details of the vote). Thereafter, the resolution as a whole was **adopted without a vote** (the text of the resolution is reproduced in Section H-8).

B. 165th SESSION OF THE COUNCIL OF THE INTER-PARLIAMENTARY UNION

The Council of the Inter-Parliamentary Union held its 165th session at the International Conference Center in Berlin on 11 and 16 October 1999 with its Acting President, Mrs. N.A. Heptulla (India), in the Chair. Part of the meeting on 16 October (that concerning election to the office of President of the Council) was chaired by the Vice-President of the Executive Committee, Mr. F. Solana (Mexico).

Before beginning its proceedings, the Council observed a minute's silence in honour of the memory of Dr. Hans Stercken, a former President of the Council, who died on 26 June 1999.

1. MEMBERSHIP OF THE UNION

At its first sitting, the Council decided, on the recommendation of the Executive Committee, to **reaffiliate** the Parliament of **Nigeria** and to **affiliate** the Parliament of **Ukraine** to the Union.

At the same sitting, the Council decided to **suspend the affiliation** of the Parliament of **Niger** which had ceased to function. However, it welcomed the announcement that parliamentary elections would be held before the end of 1999 and expressed the hope that a legislative institution would be promptly re-established in Niger so that the Parliament would be in a position to rejoin the Union.

As a result of those decisions, **the Union now comprises 139 member parliaments and five international parliamentary associations as Associate Members** (see list in Section F).

2. COOPERATION BETWEEN THE UNION AND THE UNITED NATIONS SYSTEM

At the first sitting of the Council, the Secretary General reviewed developments in cooperation between the Union and the United Nations system since the previous session. Mr. V. Petrovsky, Under-Secretary-General and Director-General of the United Nations Office at Geneva, addressed the meeting.

The Council noted that the United Nations High Commissioner for Human Rights, Mrs. M. Robinson, would address the Conference the following day.

The Council encouraged member parliaments of the IPU to attend the annual Parliamentarians' Meeting at United Nations Headquarters on 25 October 1999 and to be present when the General Assembly considered its agenda item on cooperation between the UN and the IPU on 27 October. It also urged IPU members to take steps to ensure that their countries' Permanent Representatives to the United Nations in New York formally sponsored the draft resolution on the matter and promoted its adoption.

The Council urged members to attend the Forum entitled "Perspectives on Democracy: How Women Make a Difference", organised jointly by the IPU and UNESCO, in association with the UN Division for the Advancement of Women, to be held at UNESCO Headquarters from 1 to 3 December 1999.

The Council also encouraged members to participate in the parliamentary meeting on the occasion of the UNCTAD X Conference to be organised by the IPU and the National Assembly of Thailand in cooperation with the UNCTAD Secretariat on 10 and 11 February 2000 in Bangkok.

3. CONFERENCE OF PRESIDING OFFICERS OF NATIONAL PARLIAMENTS AT UNITED NATIONS HEADQUARTERS IN THE YEAR 2000

At the second sitting of the Council, the Secretary General reported on the second session of the Preparatory Committee for the Conference of Presiding Officers of National Parliaments held in Rabat, Morocco, on 8 and 9 September 1999. The Council approved the nomination of the Hon. Gildas Molgat, Speaker of the Canadian Senate, and of the Presidents of the two Chambers of the Swiss Federal Parliament as members of the Committee and the continued membership of the following outgoing members of the Executive Committee, who had participated in its proceedings from the outset: Mr. E. Menem (Argentina), Mr. C.-S. Park (Republic of Korea) and Mr. M.M. Traoré (Burkina Faso).

The Council endorsed the arrangements for the Conference (see section I-8 for the modalities of the Conference) and took note of the draft Declaration that had been prepared by the Preparatory Committee. The Council noted in particular that the format of the Conference of Presiding Officers precluded any last-minute modification of the draft Declaration and therefore recognised the importance of building a broad consensus on its content as soon as possible. To that end, the Preparatory Committee had requested the Secretary General to share the draft with the IPU geopolitical groups before the Berlin Conference. Those groups and the national parliaments represented in the IPU have thus been given an opportunity to study the text and make proposals for further improvements. Such proposals should be submitted in writing to the Secretary General by 1 December 1999 at the latest. The Council noted that the Declaration would be finalised by the Preparatory Committee at its third session in Geneva on 31 January and 1 February 2000.

4. CONSTRUCTION OF A NEW HEADQUARTERS BUILDING FOR THE UNION IN GENEVA

The Secretary General reported to the Council on developments in the project for the construction of a new headquarters building for the Union in Geneva. The Council took note of information on three proposed sites: the first, located behind the World Health Organization (WHO) building in Pregny-Chambésy, would involve the construction of a new building; the second, located in Chemin du Pommier, would require the restoration and conversion of an old family property; the third, located in the vicinity of the International Labour Organization (ILO), may have to be ruled out as it will not be ready for construction for several years. The Inter-Parliamentary Union will receive a final response on the first two options by the beginning of the year 2000.

5. RESULTS OF THE PARLIAMENTARY SEMINAR ON RELATIONS BETWEEN MAJORITY AND MINORITY PARTIES IN AFRICAN PARLIAMENTS

Mr. G. Nzouba-Ndama, President of the National Assembly of Gabon, presented the results of the Parliamentary Seminar on Relations between Majority and Minority Parties in African Parliaments (see Section J-3) and introduced the publication on the meeting (see publication No. 33, 1999). Taking note of the results, the Council urged all members of the Union to bring the model guidelines for the opposition in parliament adopted by the Seminar to the attention of their assemblies. The Council authorised the Secretary General to consult the Union's external partners, particularly the UNDP, on the possibility of organising similar seminars in different parts of the world to draw on ideas emanating from a range of political cultures. This would enable the IPU to draw up consolidated guidelines on the rights and duties of the opposition in parliament.

6. ACTIVITY REPORTS

(a) Report by the President of the Council

At its first sitting, the Council **took note** of the **written and oral reports by the outgoing President**, Mr. M.A. Martínez (Spain), on his activities and contacts from the end of the 164th session until his resignation on 15 July 1999. It further **took note** of the **oral report by the Acting President**, Mrs. N.A. Heptulla (India) on her activities and contacts since 15 July.

At both sittings, the Council also **took note** of an **oral report by the President on the activities of the Executive Committee** during its 229th session in Berlin (see Section C).

(b) Interim report of the Secretary General on the activities of the Union since the 164th session of the Council

At its sitting on 16 October, the Council had before it the written report of the Secretary General on the activities of the Union since the 164th session of the Council. Following an introductory statement by the Secretary General, the Council **took note** of the report.

(c) Four-yearly evaluation of the activities of the Union's members

At its sitting on 16 October, the Council approved the Executive Committee's report and recommendations on the four-yearly evaluation of the activities of the Union's members.

7. MEETING OF WOMEN PARLIAMENTARIANS

On 16 October, Mrs. R. Süßmuth (Germany) reported to the Council on the proceedings of the Meeting of Women Parliamentarians which she had chaired on 10 October (see Section D). The Council **took note** of the report.

8. SECURITY AND COOPERATION IN THE MEDITERRANEAN

On 16 October, Mr. M. Vauzelle (France) reported to the Council on the proceedings of the Fifteenth Meeting of Representatives of Parties to the CSCM Process, held on 13 October under the chairmanship of his compatriot, Mr. C. Huriet (see Section E-1). Taking note of the report, the Council approved the arrangements and draft rules for the Third Conference on Security and Cooperation in the Mediterranean (CSCM), to be held in Marseilles (France) from 30 March to 3 April 2000 (see Section I-7).

9. HUMAN RIGHTS OF PARLIAMENTARIANS

On 16 October, Mr. F. Autain (France), President of the Committee, reported on the proceedings of its 86th and 87th sessions held respectively in Geneva from 7 to 10 July 1999 and in Berlin from 10 to 15 October 1999 (see Section E-2).

The Council then **adopted without a vote resolutions concerning 130 serving or former MPs in the following 17 countries: Argentina, Belarus, Bhutan, Burundi, Cambodia, Colombia, Democratic Republic of the Congo, Djibouti, Ecuador, Gambia, Guinea, Honduras, Malaysia, Myanmar, Nigeria, Republic of Moldova and Turkey** (see Sections K-1 to K-22). Statements were made by delegates from Colombia, Denmark, Mali and the Republic of Moldova.

10. SITUATION IN CYPRUS

On 16 October, the Group of Facilitators on Cyprus reported on the inter-Cypriot meeting that it had organised at the 102nd Conference in Berlin on 12 October (see Section E-3).

Two of the three Facilitators, Mr. H. Gjellerod (Denmark) and Mr. J. Hunt (New Zealand), took the floor in turn, indicating that the meeting had proved extremely constructive. They stated that the Cypriot parties, which were represented at the meeting at the level of political parties and one of which is a member of the Union, wished their status to be taken into consideration. They indicated that the two parties had expressed the wish that similar meetings should be held in Cyprus itself. They announced that it had been agreed that half of any session held on the island should take place in the south and half in the north. Taking note of that wish, the Council authorised the Group of Facilitators to proceed, provided that any costs should be defrayed alternately by the parties concerned.

11. MIDDLE EAST QUESTIONS

On 16 October, the Council took note of the report of the Committee on Middle East Questions presented by its Rapporteur, Mr. A. Philippou (Cyprus) (see Section J-4).

12. INTERNATIONAL HUMANITARIAN LAW

On 16 October, the Council took note of the report and adopted the recommendations of the Committee to Promote Respect for International Humanitarian Law presented by the Committee's Rapporteur, Mr. J. Hunt (New Zealand) (see Section J-5).

13. GENDER PARTNERSHIP GROUP

The Group's Moderator, Mrs. T. Yariguina (Russian Federation) reported to the Council on the Group's meeting in Berlin (see Section E-6). Following a discussion of how national delegations to inter-parliamentary sessions are formed, the Council took note of the oral report. In this connection, the Council heard statements by the delegations of the following countries: Belgium, Mali, Mozambique and Venezuela.

14. PROGRAMME AND BUDGET FOR THE YEAR 2000

On 16 October, the Council considered the Executive Committee's proposals for the programme and budget of the Union for 2000, presented by Mr. M.P. Tjitendero (Namibia), Rapporteur of the Executive Committee. In his presentation, Mr. Tjitendero pointed out that the proposed budget was 4.5% higher than the current year's budget as a result of the volume of activities approved by the Council for the year 2000. Nevertheless, the contribution of each member parliament would be maintained at the current year's level, on the one hand because of new affiliations that had taken place during 1999 and, on the other, because part of the budgetary increase would be financed by drawing from a reserve account and by transferring certain provisions from 1999.

He informed the Council that the Executive Committee had held in-depth discussions on the overall financial situation of the Union. The Committee was cognisant of the need to draw up contingency plans to meet the possible cessation of payment of one of its major contributors. The Committee was developing plans to that effect and at the same time was pursuing its reflection on introducing new reforms in the IPU, including a reordering of priorities for the Organisation which would have implications for the future programme and budget.

After hearing clarifications provided by the Secretary General in response to questions raised or reservations expressed by delegates from Austria, Canada, Colombia, Japan and Uganda, the Council **approved without a vote** the budget and the scale of contributions for the year 2000 (see Section J-1 and J-2).

15. FUTURE INTER-PARLIAMENTARY MEETINGS

At its second sitting, the Council considered the Executive Committee's recommendations concerning the **agenda of the 103rd Inter-Parliamentary Conference** to be held in Amman (Jordan) from 30 April to 6 May 2000. Following a discussion, it agreed that the debate on agenda item 4 should not be confined to peace, stability and comprehensive development in the Middle East, as proposed, but should cover the whole world. The agenda was amended accordingly and **approved** (see Section I-1).

The Council also **endorsed** a recommendation by the Executive Committee that the Parliamentary Union of the Organisation of the Islamic Conference Members be granted observer status and **approved** the list of **observers** to be invited to the Amman Conference (see Section I-2).

The Council took note of the **calendar of future meetings and other activities** (see Section I-3). It approved the modalities for the parliamentary meeting on the occasion of UNCTAD X (see Section I-4), the tripartite meeting on the occasion of the "Beijing + 5" Special Session of the United Nations General Assembly (see Section I-5) and the parliamentary meeting on the occasion of the «Copenhagen + 5» Special Session of the General Assembly (see Section I-6). Furthermore, on the proposal of the Executive Committee, the Council decided to grant **sponsorship** to the Fourth Workshop of Parliamentary Scholars and Parliamentarians organised by the Department of Politics of the University of Hull (United Kingdom).

C. 229th SESSION OF THE EXECUTIVE COMMITTEE

The Executive Committee held its 229th session at the International Conference Center in Berlin on 8, 9 and 14 October 1999 with the Acting President of the Council of the Inter-Parliamentary Union, Mrs. N.A. Heptulla (India), in the Chair.

The following members took part in the proceedings: Mr. I. Fjuk (Estonia); Mrs. B. Imiolczyk (Poland), replaced on 14 October by Mr. M. Sawicki; Mrs. F. Kéfi (Tunisia) (President of the Coordinating Committee of Women Parliamentarians), replaced on 14 October by Mrs. S. Finestone (Canada) (First Vice-President of the Coordinating Committee); Mr. E. Menem (Argentina); Mr. D. Novelli (Italy); Mr. C.-S. Park (Republic of Korea); Mr. F. Solana (Mexico); Mr. M.P. Tjitendero (Namibia); Mr. M.M. Traoré (Burkina Faso); Mr. F. Tuaimah (Jordan); Mr. G. Versnick (Belgium), replaced on 14 October by Mr. J. Lefevre; and Mrs. T. Yariguina (Russian Federation).

The proceedings of the Executive Committee focused on the formulation of opinions and recommendations on agenda items to be addressed by the Council of the Inter-Parliamentary Union. The **other matters considered by the Executive Committee may be summarised as follows:**

- ◆ The Committee adopted a **proposal to amend Executive Committee Rules 1 and 2** to reflect Article 24 of the Statutes, pursuant to which the President of the Coordinating Committee of Women Parliamentarians has become an *ex officio* member of the Executive Committee.
- ◆ It had an initial exchange of views on **reform of the Inter-Parliamentary Union**. To assist it in its discussions, the Committee had before it a joint legal opinion by two law professors on the international legal personality of the IPU, suggestions for possible amendments to the Statutes ensuing from a closer link between parliaments and the Union, and an earlier report by the Executive Committee on the changes in the structures and working methods that would be needed to develop a parliamentary dimension of the work of the United Nations. The Committee decided to revert to the matter at its next session in Amman.
- ◆ It considered a discussion paper on **proposed guidelines for the content and structure of parliamentary Web sites**. It agreed that the draft guidelines should form the basis for a consultation of national parliaments through the Association of Secretaries General of Parliaments (ASGP). On completion of that process, the consolidated draft will be submitted to the Council for approval at its next session, in Amman.
- ◆ The Committee reviewed **the activities and the mandates of ad hoc committees** and decided to recommend to the Council that it provide for the election to the Committee on Middle East Questions of alternate members for each of the titular members so that the Committee may function with full membership. The alternates will be elected at the Inter-Parliamentary Meetings in Amman.
- ◆ In view of the long-standing practice of conferring the title of **Honorary President** on former Presidents of the Council (see Section B-6), the Executive Committee adopted some **regulations** governing the exercise of that office.

- ◆ It continued its consideration of the request by a private company, **PGK International**, for the IPU to sponsor an educational television series entitled «**Parliaments of the World**». Representatives of the company introduced the project and responded to the Committee's questions. The Committee then viewed a pilot video presenting the general concept of the series. It decided that the project was a welcome educational initiative that should be encouraged and an effective means of informing the general public about the purpose and practice of parliamentary democracy. While the Executive Committee therefore encouraged parliaments to consider the possibility of participating, it stressed that it was for individual assemblies to take the final decision. It was also clear that the IPU could not associate itself formally with a private-sector project of this nature.

- ◆ Lastly, it decided on **representation of the Union** at a number of meetings to which the Union has been invited in the coming months.

D. SECOND MEETING OF WOMEN PARLIAMENTARIANS

The women parliamentarians met in Berlin on Sunday, 10 October with Professor Rita Süßmuth, Member and Former President of the Deutscher Bundestag, in the Chair. The meeting was preceded by a sitting of the Coordinating Committee of Women Parliamentarians presided over by Mrs. F. Kéfi, Member of the National Assembly and Minister for Environment and Town and Country Planning of Tunisia (see last paragraph of this section).

In accordance with the Rules adopted in Brussels in April 1999, the Meeting started with the election of Professor Süßmuth as President. Professor Süßmuth then gave a brief address, which was followed by a brief address from Dr. Heptulla in her capacity as Acting President of the Council of the Inter-Parliamentary Union, during which she paid tribute, along with all the participants, to Mrs. Kéfi, the outgoing President of the Coordinating Committee. Dr. Heptulla later addressed the meeting a second time in her capacity as candidate for the office of President of the Council and obtained the unanimous support of the participants. The Meeting also heard Mr. W. Thierse, President of the Deutscher Bundestag and of the 102nd Conference, and Mrs. C. Bergmann, German Minister for Families, Senior Citizens, Women and Juveniles.

The meeting was attended by 104 women MPs from the delegations of the following 76 countries: Algeria, Andorra, Angola, Argentina, Armenia, Australia, Bangladesh, Belarus, Benin, Bolivia, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Ethiopia, Finland, Gabon, Germany, Ghana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mexico, Monaco, Morocco, Namibia, Nepal, Netherlands, Norway, Panama, Peru, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, United Kingdom, Yemen, Zambia and Zimbabwe. Representatives of the European Parliament and the Parliamentary Assembly of the Council of Europe, Associate members of the Union, attended the proceedings, as did observers from the International Committee of the Red Cross (ICRC).

After the Rapporteur for the Coordinating Committee, Mrs. Y. Loza (Egypt), and the Rapporteur of the Gender Partnership Group (set up within the Executive Committee), Mrs. T. Yariguina (Russian Federation), had presented their reports, the participants discussed the under-representation and in some cases non-representation of women in national delegations to the Union's statutory meetings.

The participants went on to discuss at length the question of women's contribution to the establishment of a new international financial and economic model. Participants from Canada (Mrs. M. Catterall), Côte d'Ivoire (Mrs. A. Sangaré) and Malaysia (Mrs. Illani Isahak) were asked to produce a summary of the main ideas and suggestions put forward during the debate. The summary was subsequently reproduced in the form of a draft resolution for submission to the 102nd Conference by the Meeting of Women Parliamentarians, under item 5 of the Conference agenda, "*The need to revise the current global, financial and economic model*".

The Meeting also provided an opportunity to examine the findings of the Union's survey on steps taken at the national level to follow up the *Beijing Platform for Action* adopted in September 1995 by the Fourth World Conference on Women and the *Plan of Action* adopted by the Union in March 1994 to correct present imbalances in the participation of men and women in political life. The resulting consolidated document, *Beijing + 5: 1995-2000 An Initial Assessment* was presented by its author, Mrs. G. Pascaud-Bécane. It will serve, *inter alia*, as a working

document for the Tripartite Meeting (parliaments, governments and inter-governmental organisations) on "*Democracy through partnership between men and women*" which the Union plans to hold on 6 June 2000 on the occasion of the Special Session of the United Nations General Assembly (5-9 June 2000) which is to examine and evaluate the follow-up to the Beijing Conference (Beijing + 5). The Forum on the topic *Perspectives on Democracy: "How Women Make a Difference"* to be held from 1-3 December 1999 in Paris was also discussed. The participants took stock of progress made in the preparations for these events.

The Coordinating Committee of Women Parliamentarians met on Sunday, 10 October under the presidency of Mrs. F. Kéfi to prepare the plenary meeting. The second sitting, on 15 October, was chaired by Mrs. S. Finestone (Canada), first Vice-President. The Committee assessed the results of the Berlin Inter-Parliamentary Meetings as they concerned women. Its main intent was to identify ways and means of integrating the work and vision of women MPs more fully in the Union and particularly in the results and resolutions of the Conference. In this connection, it wished to strengthen coordination between women as a means of enabling women to participate more actively in the various committees and drafting committees. In addition, it decided that in Amman, the Meeting of Women Parliamentarians would focus on the dialogue among civilisations and cultures (see item 5 of the agenda of the 103rd Conference in Amman, section I-1). The Coordinating Committee also made arrangements in view of the elections for regional representatives in the Committee to be held in Amman on Wednesday, 3 May 2000.

E. SUBSIDIARY BODIES AND COMMITTEES

1. MEETING OF REPRESENTATIVES OF THE PARTIES TO THE CSCM PROCESS

On the occasion of the Berlin Inter-Parliamentary Meetings, the representatives of the parties to the Inter-Parliamentary Process of Security and Cooperation in the Mediterranean (CSCM)* held their XVth meeting at Berlin International Conference Center on Wednesday, 13 October 1999. The session was chaired by Mr. C. Huriet, a member of the French Senate, and the following took part:

- ♦ representatives of the following main participants: Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Libyan Arab Jamahiriya, Malta, Monaco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey and Yugoslavia;
- ♦ representatives of the following associate participants: Russian Federation, United Kingdom, Palestine, Assembly of the Western European Union, Arab Inter-Parliamentary Union, Parliamentary Assembly of the Black Sea Economic Cooperation, Parliamentary Assembly of the Council of Europe.

The session was preceded by a meeting of the CSCM Coordinating Committee, chaired by Mr. M.H. Khelil (Tunisia), General Rapporteur of the CSCM, and attended by representatives of all its members except Egypt: France, Italy, Malta, Morocco, Slovenia, Spain, Syrian Arab Republic and Tunisia.

The participants discussed recent developments and current initiatives in the process. They agreed to revert to this subject, including its financial aspects, at their XVIth session to be held in Amman on 3 May 2000. Their discussions focused on the preparation of the Third CSCM which will take place from 30 March to 3 April 2000 in Marseilles (France). They drew up the work programme, which will include a meeting of women MPs (the first to be organised in this context) as well as the agenda and rules, and decided on the numbers and composition of the delegations in each category of participants. They further agreed to invite as special guests the Secretary General of the League of Arab States and the High Representative for the Common Foreign and Security Policy of the European Union. They agreed that the Conference would end with the adoption of a Final Document, of which a preliminary draft would be sent to them by the Secretary General at least two weeks before the opening of the Conference. This document would take into account the Union's previous work in the context of the CSCM process, communications from the parties to the process and written technical contributions on various subjects; the main topics chosen include water, migration, the dialogue among cultures and civilisations and development cooperation.

* Parties to the CSCM process:

As main participants, the Parliaments of the following countries: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Yugoslavia.

As associate participants: (i) the Parliaments of the Russian Federation, of the United Kingdom, and of the United States of America; (ii) Palestine; (iii) Parliamentary Assembly of the Council of Europe, Assembly of the Western European Union, OSCE Parliamentary Assembly, Consultative Council of the Arab Maghreb Union, European Parliament, Arab Inter-Parliamentary Union, Parliamentary Assembly of the Black Sea Economic Co-operation.

2. COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

The Committee held its 87th session from 10 to 15 October 1999 in Berlin. The following titular members attended the 87th session of the Committee: Mr. F. Autain (France), President of the Committee, Mr. H. Etong (Cameroon), Mr. J.-P. Letelier (Chile) and Mr. M. Samarasinghe (Sri Lanka). Ms. M.G. Daniele-Galdi (Italy) participated in the session in her capacity as substitute member.

The Committee held eleven *in camera* meetings during which it studied 46 cases concerning 200 serving or former parliamentarians in 33 countries of all regions of the world. Taking advantage of the presence in Berlin of delegations from several of the countries concerned, the Committee, in keeping with its constant practice, conducted 19 *in camera* hearings. In addition, the Committee asked its members individually to seek information from other delegations attending the 102nd Conference regarding several cases before it. Moreover, the Committee was informed of follow-up action to its decisions and the Council's resolutions by a number of Member Parliaments.

Having before it six new cases from six countries which were under consideration for the first time, the Committee thoroughly studied the allegations and information submitted to it and declared them admissible. It decided **to submit to the Council a report and recommendations concerning the cases of 130 serving or former members of Parliament** in the following **17 countries**: Argentina, Belarus, Bhutan, Burundi, Cambodia, Colombia, Democratic Republic of the Congo, Djibouti, Ecuador, Gambia, Guinea, Honduras, Malaysia, Myanmar, Nigeria, Republic of Moldova and Turkey (see also Section B and Sections K-1 to K-22). On its proposal, the Council decided to close two cases regarding three MPs and to close the study of the situation of seven parliamentarians of one country.

3. GROUP OF FACILITATORS FOR CYPRUS

Set up by the IPU Council in September 1998 following the dissolution of the Committee to Monitor the Situation in Cyprus, the Group of Facilitators is composed of Mrs. Y. Loza (Egypt), Mr. H. Gjellerod (Denmark) and Mr. J. Hunt (New Zealand). It met on 12 October 1999 on the occasion of the 102nd Inter-Parliamentary Conference at Berlin International Conference Center and facilitated dialogue between the Cypriot communities, at the level of political parties. The two Cypriot parties, one of which belongs to the Union, wished that due consideration be given to their status. One idea that emerged from this particularly positive dialogue was that the facilitators could travel to Cyprus in the year 2000 to organise a similar dialogue, it being understood that one part of it would be held in the south of the island and the other part in the north. The Inter-Parliamentary Council subsequently took note of this proposition and established that costs would be borne by the host parties.

4. COMMITTEE ON MIDDLE EAST QUESTIONS

The Committee met on 13 and 14 October 1999 under the presidency of Mr. C.E. Ndebele, Speaker of the Parliament of Zimbabwe, and with Mr. A. Philippou (Cyprus) as Rapporteur. Mrs. O. Ausdal Starrfelt (Norway) was the third member of the Committee. Mr. Y. Tavernier (France) and Mr. C. Valantin (Senegal) were unable to attend. The sixth member of the Committee, Mr. Q. Anwar (Indonesia), is no longer a Member of Parliament.

The now well-established and welcomed practice of a joint meeting of parliamentary representatives from the Arab Groups (Egypt, Jordan and Palestine) and from Israel was repeated at the present Conference. At the end of its deliberations, the Committee adopted its report (see Section J-4).

5. COMMITTEE TO PROMOTE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

The Committee to Promote Respect for International Humanitarian Law, which is composed of the Officers of the Second Committee, met on 11 October 1999 on the occasion of the 102nd Inter-Parliamentary Conference, in Berlin. Only two of the three Committee members, Mr. T.J. Nonô (Brazil) and Mr. J. Hunt (New Zealand), were able to take part in the meeting, as Mrs. B. Mugo (Kenya) was unable to attend. Mr. C. Sommaruga, President of the International Committee of the Red Cross, addressed the Committee. In addition, representatives of the Red Cross, Human Rights Watch and Amnesty International briefed the members of the Committee. The Committee expressed satisfaction that its handbook for MPs, "*Respect for International Humanitarian Law*", had been published in time to be presented to the Council and to the 102nd Conference in Berlin. It also took stock of the current state of progress of parliamentary action in the three major areas covered by its mandate: (i) the application of the rules of international humanitarian law; (ii) the complete elimination of anti-personnel mines, and (iii) the International Criminal Court. The Committee's report on these subjects is reproduced in Section J-5. With regard to anti-personnel mines, the Committee further decided to submit to the Council an updated document on the findings of its survey of all parliaments; this part of its report is not reproduced in the annex.

6. GENDER PARTNERSHIP GROUP

The Gender Partnership Group - a subsidiary body of the Executive Committee - met on 8 October 1999. The Group is composed of Mrs. T. Yariguina (Russian Federation), who has become its Moderator (see Section G), Mrs. B. Imiolczyk (Poland), Mr. F. Solana (Mexico) and Mr. M.M. Traoré (Burkina Faso), who was unable to participate. At the Council's request, the Group is studying changes in the composition of delegations to Inter-Parliamentary meetings. Having noted that 35 delegations included no women parliamentarians, the Group decided to give a list of them to the Council. In the Group's view, the wording of Article 11.1 of the Statutes lent itself to this kind of situation and needed to be more precise. It therefore suggested the following wording: "*All Parliaments that have women among their members should include at least one woman in their delegation*". This suggestion will be submitted to all members of the Union for consideration. Another proposal under consideration is the possibility of reducing by one the size of delegations comprising only men and of reducing by two the number of votes to which these delegations are entitled in the Inter-Parliamentary Conference.

7. COMMITTEE ON SUSTAINABLE DEVELOPMENT

For the first time since its establishment, the Committee on Sustainable Development held a subsidiary meeting during the statutory sessions. It was attended by Mr. P. Günter (Switzerland), President of the Committee, Mrs. M. Chidzonga (Zimbabwe), Vice-President, Mrs. Seitlovà (Czech Republic), Mr. Boukernous (Algeria) and Mr. R.S. Roco (Philippines), titular members. The following substitute members also took part in the proceedings: Mr. A. Colman (United Kingdom), Mr. I.C. Corâci (Romania), Mr. Y.B. N'Dia (Côte d'Ivoire) and Mr. C. Quiroga Blanco (Colombia).

Constituted as a preparatory committee for the parliamentary meeting on the occasion of UNCTAD X to be held in Bangkok in February 2000, the Committee, in the presence of representatives of the Thai National Assembly and a representative of UNCTAD, approved the organisational arrangements for recommendation to the Council. Also in its capacity as a preparatory committee, the Committee approved the organisational arrangements for the parliamentary meeting on the occasion of the "Copenhagen + 5" Special Session of the United Nations General Assembly for recommendation to the Council. In addition, the Committee approved the agenda and dates for its main annual meeting to be held in Geneva at the Headquarters of the Inter-Parliamentary Union from 1 to 3 March 2000. Lastly, the Deputy Director of the UNDP Human Development Report Office, Mr. S. Jahan, briefly presented the 1999 issue of the report to the Committee.

F. MEMBERSHIP OF THE UNION AS OF 16 OCTOBER 1999

Members (139)

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Associate Members (5)

Andean Parliament, Central American Parliament, European Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe

G. ELECTIONS AND APPOINTMENTS

1. OFFICE OF PRESIDENT OF THE 102nd INTER-PARLIAMENTARY CONFERENCE

At its first sitting, the 102nd Conference elected Mr. Wolfgang Thierse, President of the German Bundestag, as its President.

2. OFFICE OF PRESIDENT OF THE IPU COUNCIL

On 16 October 1999, the Council of the Inter-Parliamentary Union had before it the candidature of Mrs. N.A. Heptulla (India) for the post of President of the IPU Council. It heard representatives of the six geopolitical groups at the IPU as well as the President of the Meeting of Women Parliamentarians who endorsed her candidature. All underscored Mrs. Heptulla's extensive experience at the Union as well as the fact that she would become the first woman President of the Council in IPU's 110-year history. The Council then proceeded to elect unanimously Mrs. N.A. Heptulla (India), Deputy Chairman of the Rajya Sabha, to the office of President for a three-year term.

Previously, on 11 October, the Council had paid tribute to its outgoing President, Mr. M.A. Martínez (Spain), on whom it conferred the title of Honorary President of the Council of the Inter-Parliamentary Union.

3. EXECUTIVE COMMITTEE

At its fifth sitting on 14 October, the Executive Committee unanimously elected Mr. F. Solana (Mexico) to the office of Vice-President of the Committee for one year.

The IPU Council was required to elect five members to replace Mrs. N.A. Heptulla (India), Mr. C.-S. Park (Republic of Korea), Mr. E. Menem (Argentina), Mr. D. Novelli (Italy) and Mr. M.M. Traoré (Burkina Faso), whose terms of office came to an end at the Berlin session. At its sitting on 16 October, the Council had before it the candidatures of Mr. J. Trobo (Uruguay), Mr. L. Bold (Mongolia), Mrs. S. Finestone (Canada), Mr. R.S. Roco (Philippines) and Mr. G. Nzouba-Ndama (Gabon). The Council elected all five candidates by acclamation to a four-year term of office.

4. STUDY COMMITTEES OF THE INTER-PARLIAMENTARY CONFERENCE

Second Committee (Parliamentary, Juridical and Human Rights Questions)

At its sitting on 14 October, the Second Committee re-elected by acclamation Mr. T. Nonô (Brazil) as President and Mrs. B. Mugo (Kenya) as Vice-President. It also elected by acclamation Mr. J. McKiernan (Australia) as Vice-President to replace Mr. J. Hunt (New Zealand) who had resigned.

Third Committee (Economic and Social Questions)

At its sitting on 15 October, the Third Committee re-elected Mr. H. Gjellerod (Denmark) as President and Mr. L. Bold (Mongolia) and Mr. B. Boukernous (Algeria) as Vice-Presidents by acclamation. However, following the election of Mr. Bold to the Executive Committee on 16 October, his office as Vice-President fell vacant in accordance with Study Committee Rule 9.2 and will be filled at the next session of the Third Committee.

5. COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

At its sitting on 16 October, the Council elected Mrs T. Thongswasdi (Thailand) by acclamation as a substitute member for the Asia-Pacific region for a five-year term.

6. GENDER PARTNERSHIP GROUP

At its sitting on 8 October, the Executive Committee appointed, from among its members, Mrs. T. Yariguina to the Gender Partnership Group to replace Mrs. N.A. Heptulla. She was subsequently appointed moderator of the Group.

7. COMMITTEE FOR SUSTAINABLE DEVELOPMENT

At its sitting on 16 October, the Council elected by acclamation Mr. G.B. Bukenya (Uganda) substitute member of the Committee for the Africa region for a four-year term of office.

8. COMMITTEE ON MIDDLE EAST QUESTIONS

At its sitting on 16 October, the Council elected Mr. Sumit Sundaravej (Thailand) to replace Mr. Q. Anwar (Indonesia), who is no longer a parliamentarian. Mr. Sundaravej was elected for a four-year term of office.

9. AUDITORS

At its fifth sitting on 14 October, the Executive Committee appointed Mr. H. Sorgatz (Germany) as External Auditor of the accounts of the Inter-Parliamentary Union for a period of three years.

At its second sitting, the Council appointed Mr. H.N. Ashiqur Rahman (Bangladesh) and Mr. I. Fjuk (Estonia) as auditors for the 1999 accounts of the Union.

10. REPRESENTATIVE OF THE EXECUTIVE COMMITTEE ON THE MANAGEMENT BOARD OF THE STAFF PENSION FUND

At its fifth sitting on 14 October, the Executive Committee appointed Mr. G. Versnick (Belgium) as the Executive Committee's representative on the Management Board of the Staff Pension Fund, for a one-year term.

**STATEMENT BY THE PRESIDENT OF THE 102nd CONFERENCE OF THE INTER-
PARLIAMENTARY UNION, Mr. W. THIERSE, ON BEHALF OF THE
PARTICIPANTS REGARDING THE SITUATION IN PAKISTAN
(Berlin, 15 October 1999)**

As the world parliamentary community is holding its official biannual meeting here in Berlin, we have all been shocked by the news from Pakistan about the military coup d'Etat that has taken place in that country. As members of parliament, we strongly condemn this unconstitutional act. In this day and age, the usurpation of power by the army is totally unacceptable. We call for the restoration of constitutional order in Pakistan and for full respect for the parliamentary process. We therefore urge that there be an immediate return to civilian government in Pakistan.

We also urge the authorities to respect the parliamentary institutions in Pakistan and the human rights of members of parliament. I know that the Speaker of the National Assembly of Pakistan is with us here today and I would like, on behalf of all of us, to ask him to convey our solidarity with his colleagues in Pakistan.

I am sure that we will all, in our respective parliaments and through our world organisation, the Inter-Parliamentary Union, continue to monitor the situation closely.

**RESULTS OF ROLL-CALL VOTES ON REQUESTS FOR INCLUSION
OF A SUPPLEMENTARY ITEM IN THE CONFERENCE AGENDA**

A single roll-call vote was held on 11 October to choose the supplementary item from among the three requests still remaining on the list of proposals at the time of the vote. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables.

Vote on the request of the delegation of Lebanon for the inclusion of a supplementary item entitled
**"SUPPORT FOR LEBANON IN ITS CONTINUOUS EFFORTS TO IMPLEMENT
UN SECURITY COUNCIL RESOLUTION 425 ADOPTED IN MARCH 1978"**

Results

Affirmative votes	523	Total of affirmative and negative votes	907
Negative votes.....	384	Two-thirds majority.....	605
Abstentions	743		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania			11	Germany		19		Peru			14
Algeria	14			Ghana			13	Philippines	9		9
Andorra	5		5	Greece	13			Poland		15	
Angola		12		Guinea			12	Portugal		12	
Argentina			15	Hungary			13	Rep. of Korea			16
Armenia	7		4	Iceland		10		Rep. of Moldova			11
Australia		13		India	23			Romania			14
Austria		12		Indonesia	22			Russian Federation	15		5
Azerbaijan	6	6		Iran (Islam. Rep. of)	17			Rwanda			12
Bangladesh	20			Iraq	14			San Marino			10
Belarus	13			Ireland		11		Senegal			12
Belgium	6		6	Israel		12		Singapore		absent	
Benin			11	Italy	10		7	Slovakia		8	4
Bolivia	1	11		Japan			20	Slovenia			11
Bosnia and Herzegovina			11	Jordan	11			South Africa			16
Botswana			11	Kazakhstan	7		6	Spain		15	
Brazil			20	Kenya			14	Sri Lanka	13		
Bulgaria	3	9		Kuwait	11			Sudan	14		
Burkina Faso			12	Kyrgyzstan	6	5		Sweden		12	
Burundi			12	Lao People's Dem. Republic	11			Switzerland			12
Cambodia			13	Latvia			11	Syrian Arab Rep.	13		
Cameroon			13	Lebanon	11			Thailand			18
Canada		14		Liberia			12	The fYR of Macedonia			11
Cape-Verde			10	Libyan Arab Jamahiriya	11			Togo			11
Chile		13		Lithuania		6	5	Tunisia	12		
China	23			Luxembourg		absent		Turkey	10		8
Colombia		14		Malawi			12	Uganda			13
Congo		absent		Malaysia	14			Ukraine	17		
Costa Rica		11		Mali		absent		United Arab Emirates	11		
Côte d'Ivoire			13	Malta	10			United Kingdom		17	
Croatia		11		Mauritius		absent		United Republic of Tanzania			14
Cuba	13		4	Mexico		19		Uruguay		11	
Cyprus	6		4	Monaco			10	Uzbekistan		absent	
Czech Republic		4	9	Mongolia			11	Venezuela			13
Dem. People's Rep. of Korea	14			Morocco	14			Viet Nam	14		4
Denmark		2	10	Mozambique			13	Yemen	13		
Djibouti			10	Namibia			11	Yugoslavia			13
Ecuador		12		Nepal			13	Zambia			12
Egypt	18			Netherlands		13		Zimbabwe	8		5
El Salvador		12		New Zealand			11				
Estonia		11		Nicaragua		10	1				
Ethiopia			16	Nigeria			20				
Fiji			10	Norway		11					
Finland			12	Pakistan	20						
France		absent		Panama		11					
Gabon			11	Paraguay			11				

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**RESULTS OF ROLL-CALL VOTES ON REQUESTS FOR INCLUSION
OF A SUPPLEMENTARY ITEM IN THE CONFERENCE AGENDA**

A single roll-call vote was held on 11 October to choose the supplementary item from among the three requests still remaining on the list of proposals at the time of the vote. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables.

Vote on the request of the delegation of Iraq for the inclusion of a supplementary item entitled
**"REFRAINING FROM IMPOSING AN ECONOMIC, SCIENTIFIC AND CULTURAL EMBARGO
ON PEOPLES FOR POLITICAL PURPOSE AND CALLING FOR ITS LIFTING "**

Results

Affirmative votes 585 Total of affirmative and negative votes 1044
Negative votes..... 459 Two-thirds majority..... 696
Abstentions 606

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania			11	Ghana			13	Poland		15	
Algeria	14			Greece	13			Portugal		12	
Andorra			10	Guinea			12	Rep. of Korea			16
Angola		12		Hungary			13	Rep. of Moldova		11	
Argentina			15	Iceland		10		Romania			14
Armenia	11			India	23			Russian Federation	20		
Australia		13		Indonesia	22			Rwanda			12
Austria		12		Iran (Islam. Rep. of)	10		7	San Marino	6		4
Azerbaijan	8	4		Iraq	14			Senegal			12
Bangladesh	20			Ireland		11		Singapore		absent	
Belarus	13			Israel		12		Slovakia		8	4
Belgium			12	Italy	7	10		Slovenia	6		5
Benin			11	Japan		20		South Africa			16
Bolivia		12		Jordan	11			Spain		15	
Bosnia and Herzegovina			11	Kazakhstan	11		2	Sri Lanka	13		
Botswana			11	Kenya			14	Sudan	14		
Brazil			20	Kuwait		11		Sweden		12	
Bulgaria	3	9		Kyrgyzstan	6	5		Switzerland			12
Burkina Faso			12	Lao People's Dem. Republic	11			Syrian Arab Rep.	13		
Burundi			12	Latvia			11	Thailand	18		
Cambodia	13			Lebanon	11			The fYR of Macedonia			11
Cameroon			13	Liberia			12	Togo			11
Canada		14		Libyan Arab Jamahiriya	11			Tunisia	12		
Cape-Verde			10	Lithuania		6	5	Turkey	15		3
Chile		13		Luxembourg			absent	Uganda			13
China	23			Malawi				Ukraine	17		
Colombia		14		Malaysia	14			United Arab Emirates	11		
Congo		absent		Mali			absent	United Kingdom		17	
Costa Rica		11		Malta		10		United Republic of Tanzania			14
Côte d'Ivoire			13	Mauritius			absent	Uruguay			11
Croatia		11		Mexico		19		Uzbekistan		absent	
Cuba	13			Monaco			10	Venezuela			13
Cyprus	6		4	Mongolia	6		5	Viet Nam	18		
Czech Republic		7	6	Morocco	14			Yemen	13		
Dem. People's Rep. of Korea	14			Mozambique			13	Yugoslavia	13		
Denmark		2	10	Namibia	11			Zambia			12
Djibouti	10			Nepal	13			Zimbabwe			13
Ecuador		12		Netherlands		13					
Egypt	10		8	New Zealand			11				
El Salvador		12		Nicaragua		10	1				
Estonia		11		Nigeria			20				
Ethiopia			16	Norway			11				
Fiji			10	Pakistan	20						
Finland			12	Panama		11					
France		absent		Paraguay			11				
Gabon			11	Peru			14				
Germany		19		Philippines	10		8				

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**RESULTS OF ROLL-CALL VOTES ON REQUESTS FOR INCLUSION
OF A SUPPLEMENTARY ITEM IN THE CONFERENCE AGENDA**

A single roll-call vote was held on 11 October to choose the supplementary item from among the three requests still remaining on the list of proposals at the time of the vote. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables.

Vote on the request of the delegations of Germany and Mexico for the inclusion of a supplementary item entitled
**"THE CONTRIBUTION OF PARLIAMENTS TO THE PEACEFUL COEXISTENCE OF ETHNIC,
 CULTURAL AND RELIGIOUS MINORITIES, INCLUDING MIGRANT POPULATIONS, WITHIN ONE STATE, MARKED BY TOLERANCE
 AND THE FULL RESPECT FOR THEIR HUMAN RIGHTS"**

Results

Affirmative votes 1489 Total of affirmative and negative votes 1545
 Negative votes..... 56 Two-thirds majority..... 1030
 Abstentions 105

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	11			Germany	19			Peru	14		
Algeria			14	Ghana	13			Philippines	18		
Andorra	10			Greece	13			Poland	15		
Angola	12			Guinea	12			Portugal	12		
Argentina	15			Hungary	13			Rep. of Korea	16		
Armenia	11			Iceland	10			Rep. of Moldova	11		
Australia	13			India	23			Romania	14		
Austria	12			Indonesia	22			Russian Federation	15		5
Azerbaijan	12			Iran (Islam. Rep. of)	14		3	Rwanda	12		
Bangladesh	20			Iraq		14		San Marino	10		
Belarus	13			Ireland	11			Senegal	12		
Belgium	12			Israel	12			Singapore		absent	
Benin	11			Italy	15	2		Slovakia	12		
Bolivia	12			Japan	20			Slovenia	11		
Bosnia and Herzegovina	11			Jordan	11			South Africa	16		
Botswana	11			Kazakhstan	10		3	Spain	15		
Brazil	20			Kenya	14			Sri Lanka	13		
Bulgaria	12			Kuwait	11			Sudan	14		
Burkina Faso	12			Kyrgyzstan	6	5		Sweden	12		
Burundi	12			Lao People's Dem. Republic	11			Switzerland	12		
Cambodia	13			Latvia	11			Syrian Arab Rep.		13	
Cameroon	13			Lebanon		11		Thailand	18		
Canada	14			Liberia	12			The fYR of Macedonia	11		
Cape-Verde	10			Libyan Arab Jamahiriya			11	Togo	11		
Chile	13			Lithuania	11			Tunisia			12
China	23			Luxembourg			absent	Turkey	18		
Colombia	14			Malawi	12			Uganda	13		
Congo		absent		Malaysia	14			Ukraine	17		
Costa Rica	11			Mali			absent	United Arab Emirates		11	
Côte d'Ivoire	13			Malta	10			United Kingdom	17		
Croatia	11			Mauritius			absent	United Republic of Tanzania	14		
Cuba	13			Mexico	19			Uruguay	11		
Cyprus	10			Monaco	10			Uzbekistan			absent
Czech Republic	13			Mongolia	11			Venezuela	13		
Dem. People's Rep. of Korea	14			Morocco			14	Viet Nam	12		6
Denmark	12			Mozambique	13			Yemen	13		
Djibouti			10	Namibia	11			Yugoslavia	7		6
Ecuador	12			Nepal	13			Zambia	12		
Egypt	8		10	Netherlands	13			Zimbabwe	13		
El Salvador	12			New Zealand	11						
Estonia	11			Nicaragua	11						
Ethiopia	16			Nigeria	20						
Fiji	10			Norway	11						
Finland	12			Pakistan	20						
France		absent		Panama	11						
Gabon			11	Paraguay	11						

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**RESULT OF THE ROLL-CALL VOTE ON A REQUEST FOR INCLUSION OF
AN EMERGENCY SUPPLEMENTARY ITEM IN THE CONFERENCE AGENDA**

**Vote on the request of the delegation of Portugal
for the inclusion of an emergency supplementary item entitled
"THE TROUBLING SITUATION IN EAST TIMOR"**

Results

Affirmative votes	749	Total of affirmative and negative votes	1110
Negative votes.....	361	Two-thirds majority.....	888
Abstentions	273		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	8		3	Germany	19			Peru	14		
Algeria		14		Ghana	13			Philippines		18	
Andorra	10			Greece	13			Poland	15		
Angola	12			Guinea	12			Portugal	12		
Argentina	15			Hungary	13			Rep. of Korea		absent	
Armenia		absent		Iceland		absent		Rep. of Moldova			11
Australia	13			India		absent		Romania	14		
Austria	12			Indonesia		22		Russian Federation		5	15
Azerbaijan		absent		Iran (Islam. Rep. of)		13	4	Rwanda	12		
Bangladesh		absent		Iraq		14		San Marino	10		
Belarus			13	Ireland	11			Senegal	12		
Belgium		absent		Israel		absent		Singapore		absent	
Benin	11			Italy	17			Slovakia	12		
Bolivia		absent		Japan		20		Slovenia	11		
Bosnia and Herzegovina		absent		Jordan		11		South Africa	16		
Botswana			11	Kazakhstan		absent		Spain	15		
Brazil	20			Kenya			14	Sri Lanka		13	
Bulgaria	10			Kuwait		absent		Sudan		14	
Burkina Faso			12	Kyrgyzstan		absent		Sweden	12		
Burundi	6		6	Lao People's Dem. Republic		11		Switzerland	12		
Cambodia		13		Latvia	11			Syrian Arab Rep.		13	
Cameroon	13			Lebanon		absent		Thailand		18	
Canada	14			Liberia	12			The fYR of Macedonia			11
Cape-Verde	10			Libyan Arab Jamahiriya		11		Togo	11		
Chile	13			Lithuania		absent		Tunisia			12
China		23		Luxembourg		absent		Turkey	6	6	6
Colombia	14			Malawi	10			Uganda			13
Congo		absent		Malaysia		14		Ukraine			17
Costa Rica	11			Mali		absent		United Arab Emirates		11	
Côte d'Ivoire			13	Malta		absent		United Kingdom	17		
Croatia	11			Mauritius		absent		United Republic of Tanzania	10		4
Cuba			13	Mexico	19			Uruguay	11		
Cyprus	10			Monaco			10	Uzbekistan		absent	
Czech Republic	13			Mongolia		absent		Venezuela	13		
Dem. People's Rep. of Korea		14		Morocco		14		Viet Nam		18	
Denmark	10			Mozambique	13			Yemen		13	
Djibouti			10	Namibia	11			Yugoslavia			13
Ecuador		absent		Nepal			13	Zambia	12		
Egypt		18		Netherlands	13			Zimbabwe			13
El Salvador	12			New Zealand	11						
Estonia	11			Nicaragua		absent					
Ethiopia			16	Nigeria			20				
Fiji		absent		Norway	11						
Finland	12			Pakistan		20					
France		absent		Panama		absent					
Gabon	11			Paraguay	11						

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**CONTRIBUTION OF PARLIAMENTS TO ENSURING RESPECT FOR AND
PROMOTING INTERNATIONAL HUMANITARIAN LAW ON THE OCCASION OF
THE 50th ANNIVERSARY OF THE GENEVA CONVENTIONS**

Resolution adopted without a vote by the 102nd Conference
(Berlin, 15 October 1999)*

The 102nd Inter-Parliamentary Conference,

Noting, on the 50th anniversary of the four Geneva Conventions, that these instruments and their two Additional Protocols have become a cornerstone of modern international humanitarian law and have made a significant contribution to its codification,

Concerned however that, after 50 years of trial and practice, humanitarian law remains the most vulnerable point in the credibility of the international legal system, and *alarmed* therefore by the continued violations of international humanitarian law,

Deeply concerned by the growing number of men, women and children who are killed, wounded, or subjected to humiliating or degrading treatment, and *further concerned* that civilians, including refugees and internally displaced persons, account for the vast majority of casualties in armed conflicts,

Alarmed by the growing use of children as soldiers in various conflicts throughout the world, in flagrant violation of the Convention on the Rights of the Child and other relevant international instruments,

Recalling the resolutions to promote compliance with international humanitarian law adopted by the Inter-Parliamentary Conferences of Buenos Aires (76th Conference, 1986) and Canberra (90th Conference, 1993) and the resolutions of the Inter-Parliamentary Council of September 1997 (161st session, Cairo) and September 1998 (163rd session, Moscow),

Commending the activities of the IPU Committee to Promote Respect for International Humanitarian Law and *welcoming* the publication of the Handbook for use by parliamentarians entitled "Respect for International Humanitarian Law",

Recalling the recent report of the United Nations Secretary-General entitled "The Protection of Civilians in Armed Conflict" which sets out 40 recommendations for action,

* The delegations of Peru, Mexico, Uruguay, China, Cuba and the Syrian Arab Republic expressed reservations on the provisions relating to the International Criminal Court. The latter three delegations also expressed reservations regarding the provisions relating to landmines.

Welcoming the adoption of the Statute of the International Criminal Court on 17 July 1998 in Rome which, by complementing national criminal justice systems, will help to end the culture of impunity and protect all people against the most egregious violations of humanitarian law,

Recognising that the adoption of the Statute of Rome is a major step forward in the quest to uphold the rule of law and bring to justice perpetrators of the most serious crimes identified in international law: genocide, war crimes, crimes against humanity and aggression,

Recalling that the Statute will also facilitate the investigation and prosecution of crimes of sexual and gender violence including: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation and other forms of sexual violence,

Noting that the International Criminal Court cannot begin its essential work until 60 States have ratified the Rome Statute, and *commending*, in this connection, those States that have ratified this instrument,

Stressing the serious threat posed by the widespread use of landmines, which have brought death to many innocent civilians and hindered the return of refugees, the provision of infrastructure and reconstruction in the affected areas long after hostilities have ended,

Welcoming the entry into force on 1 March 1999 of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and its ratification by 87 States,

Concerned by the effects of the uncontrolled transfer of light weapons and small arms, which contributes to exacerbating tensions, increasing the number of civilian victims, prolonging conflicts, hampering the post-conflict reconstruction process and thus undermines respect for international humanitarian law,

Disturbed by the continuing production and existence of nuclear weapons and other weapons of mass destruction and the threat they pose to international peace and security,

Welcoming the wide adherence to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction and the Treaty on the Non-Proliferation of Nuclear Weapons, but *noting with concern* that adherence to these instruments is not yet universal,

Recognising the importance of the actions of impartial humanitarian organisations and the specific role of the International Committee of the Red Cross, both in peace time and in time of armed conflict, and *acknowledging* that the latter affords a valuable framework for Governments to meet and discuss the further development and implementation of international humanitarian law,

Stressing that the promotion and observance of international humanitarian law can be ensured only if, in formulating and implementing the relevant policies, governments refrain from bias and from applying double standards in their treatment of violations of humanitarian law and of those responsible for such violations,

Emphasising the importance of the neutrality and impartiality of the mechanisms of international humanitarian law;

Further emphasising that parliaments can play an important and constructive role in creating conditions conducive to the promotion of international humanitarian law, by enacting the necessary legislation and supervising and monitoring its implementation,

I. Geneva Conventions

1. *Calls on* States which have not already done so to ratify and implement the major instruments of international humanitarian law and international treaties on human rights and refugees, and to strengthen the existing body of international humanitarian law by negotiating, ratifying and implementing appropriate treaties and establishing mechanisms to enhance the protection of civilians in armed conflicts; and to align national laws and regulations with international humanitarian standards;
2. *Urges* the States concerned to comply strictly and ensure compliance with their obligations under international humanitarian law and international treaties on human rights and refugees, in particular those set out in The Hague Conventions of 1899 and 1907 and in the Geneva Conventions of 1949 and their Additional Protocols of 1977;
3. *Calls on* States to take steps to address effectively other serious repercussions of war on civilians and humanitarian personnel, and to strengthen safety and security requirements for humanitarian personnel, including locally recruited staff;

II. Child soldiers

4. *Requests* all States to take all feasible measures to ensure that children who have not attained the age of 18 years do not take part in hostilities or military action, and are not recruited under compulsion into the armed forces; and to ensure the early adoption of the Optional Protocol on the Involvement of Children in Armed Conflict;

III. International Criminal Court

5. *Calls on* States to support and cooperate with the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda in their ongoing efforts to prosecute and try those accused of violating international humanitarian law;
6. *Also calls on* States to maintain a firm commitment to the ideals of the International Criminal Court and to give it their full co-operation in order to make it a strong and effective institution;
7. *Further calls on* States to sign and ratify as soon as possible, preferably without reservations, the Rome Statute of the International Criminal Court;
8. *Invites* member parliaments to pledge to undertake any action and adopt any measure that may encourage all States which have not yet signed the Rome Statute of the International Criminal Court to do so as soon as possible;
9. *Calls on* States to conduct an early review of their laws and regulations and to undertake any necessary amendments or revision in order, as the case may be, to prepare for ratification or to conform with requirements for ratification of the Rome Statute;

IV. Anti-Personnel Mines

10. *Also calls on* States to accede to or ratify the Ottawa Convention on Anti-Personnel Mines, if they have not yet done so;

11. *Requests* States which have ratified the Ottawa Convention on Anti-Personnel Mines to take the necessary steps to meet their obligations to destroy stockpiles within four years and to clear mined areas within ten years;
12. *Calls on* States to assist, at the international level, in efforts to eliminate the use of landmines, and to monitor compliance with the provisions of the Ottawa Convention;
13. *Calls on* parliaments to make use of existing committees and other mechanisms or establish such bodies if necessary, to monitor and review the implementation of the Ottawa Convention on Anti-Personnel Mines;
14. *Condemns* those States and non-State actors that produce, use or export these obnoxious weapons in defiance of the Ottawa Convention;
15. *Urges* States that produce or use this pernicious weapon, to cease production immediately and to provide financial and technical assistance for (i) de-mining efforts, especially in heavily mined areas, (ii) victim assistance programmes, including rehabilitation and retraining activities, and (iii) mine awareness activities to reduce the risk of accidents;

V. Small Arms

16. *Urges* States to halt arms transfers to parties that target relief workers, undermine humanitarian assistance and violate human rights and international humanitarian law;

VI. Other weapons

17. *Calls for* the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the early conclusion of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

VII. Follow-up

18. *Appeals to* the members of the international community to attach greater importance to the prevention of wars and crises and to make appropriate provision for such prevention in their foreign, trade, security and development policies;
19. *Calls on* governments and parliaments to intensify their efforts for the dissemination, teaching and wider appreciation of international humanitarian law;
20. *Invites* parliamentarians of all countries to ensure that the matter of compliance with and enforcement of international humanitarian law is regularly considered by and brought to the attention of their fellow members during sittings of parliamentary committees or plenary sessions of their respective parliaments, a procedure that would afford an opportunity to consider whether reservations made at the time of ratification continue to be justified;
21. *Further invites* parliaments to ensure the widest possible dissemination of the Handbook for Parliamentarians entitled *Respect for International Humanitarian Law* among parliamentarians and persons who work with them to promote respect for international humanitarian law; and to this end to have the Handbook translated into national languages;
22. *Requests* the IPU Committee to Promote Respect for International Humanitarian Law to monitor implementation of this resolution and to report to the Inter-Parliamentary Council at its 168th session in 2000.

RESULTS OF THE ROLL-CALL VOTE ON THE REQUEST OF THE DELEGATION OF URUGUAY TO VOTE SEPARATELY ON CHAPTER III OF THE DRAFT RESOLUTION ON ITEM 4

Results

Affirmative votes.....	222
Negative votes.....	1004
Abstentions	158
Total of affirmative and negative votes.....	1226
Simple majority.....	613

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		11		Germany		19		Peru	14		
Algeria			14	Ghana		13		Philippines		10	
Andorra		10		Greece		13		Poland		15	
Angola		12		Guinea		absent		Portugal			12
Argentina	10			Hungary			10	Rep. of Korea		16	
Armenia		7	4	Iceland		10		Rep. of Moldova		11	
Australia		13		India	23			Romania		absent	
Austria		12		Indonesia		22		Russian Federation		20	
Azerbaijan		12		Iran (Islam. Rep. of)	17			Rwanda			10
Bangladesh		10		Iraq	14			San Marino		10	
Belarus		13		Ireland	11			Senegal		absent	
Belgium		10		Israel	10			Singapore		absent	
Benin		11		Italy		17		Slovakia		12	
Bolivia		12		Japan		20		Slovenia		10	
Bosnia and Herzegovina		10		Jordan		11		South Africa		16	
Botswana		absent		Kazakhstan		13		Spain		15	
Brazil	20			Kenya		14		Sri Lanka		absent	
Bulgaria		absent		Kuwait		11		Sudan		14	
Burkina Faso			12	Kyrgyzstan		11		Sweden		12	
Burundi		12		Lao People's Dem. Republic			10	Switzerland		12	
Cambodia		10		Latvia		11		Syrian Arab Rep.	13		
Cameroon		13		Lebanon	10			Thailand		18	
Canada		14		Liberia		12		The fYR of Macedonia		absent	
Cape-Verde	10			Libyan Arab Jamahiriya			11	Togo		absent	
Chile		13		Lithuania		11		Tunisia		absent	
China			20	Luxembourg		10		Turkey		18	
Colombia		14		Malawi		absent		Uganda		13	
Congo			10	Malaysia		absent		Ukraine		17	
Costa Rica		11		Mali		10		United Arab Emirates		11	
Côte d'Ivoire		13		Malta		absent		United Kingdom		17	
Croatia		10		Mauritius		absent		United Republic of Tanzania		absent	
Cuba	13			Mexico	19			Uruguay	11		
Cyprus		absent		Monaco		10		Uzbekistan			14
Czech Republic		13		Mongolia		10		Venezuela		13	
Dem. People's Rep. of Korea	14			Morocco		14		Viet Nam			18
Denmark		12		Mozambique		10		Yemen		13	
Djibouti		10		Namibia		11		Yugoslavia	13		
Ecuador		absent		Nepal		absent		Zambia			12
Egypt		18		Netherlands		13		Zimbabwe		13	
El Salvador		absent		New Zealand		11					
Estonia		11		Nicaragua		10	1				
Ethiopia		10		Nigeria		absent					
Fiji		10		Norway		11					
Finland		12		Pakistan		absent					
France		10		Panama		absent					
Gabon		11		Paraguay		absent					

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

THE NEED TO REVISE THE CURRENT GLOBAL FINANCIAL AND ECONOMIC MODEL***Resolution adopted without a vote* by the 102nd Conference
(Berlin, 15 October 1999)***

The 102nd Inter-Parliamentary Conference,

Aware of the recent and continuing monetary and economic turmoil in various regions of the world, and of its economic and social consequences,

Convinced that, in view of the high degree of economic interdependence that the world has reached, parliamentarians should avoid focusing solely on the economic management of their own countries, and should bear in mind all the implications of global standards and draw on all available knowledge, including that of government officials, international institutions, financiers and academic experts, in a constant effort to provide a better environment for the functioning of the world economy,

Noting that political and economic action should place greater emphasis in the future on the long-term goal of sustainable development in order to achieve a fair balance of interests for men and women and for present and future generations,

Further noting that the development of the world economy since the United Nations Conference on Environment and Development (Rio de Janeiro, June 1992) has not been such as to achieve the objectives set in *Agenda 21* regarding changes in patterns of resource consumption, modes of production and lifestyles,

Noting the urgent need for all governments to accede to the Kyoto Protocol on Climate Change,

Welcoming the growing attention paid to good governance,

1. *Emphasises* that, to ensure the necessary conditions for orderly foreign exchange movements, vital work remains to be done, especially in the areas of exchange rate regimes - including the pegging of currencies to baskets comprising currencies of major trading partners, the liberalisation of capital accounts, the introduction of capital controls and the regulation of hedge funds and currency trading;

* After the adoption of the text, the delegation of Japan made known its reservations on paragraph 15 and its objection to paragraph 17.

2. *Calls* for the development of appropriate regulatory safeguards for capital markets, which ensure transparency and the application of valuation and disclosure norms, and in general promote the harmonisation and improvement of world accountancy standards;
3. *Urges* international financial and monetary institutions to give more thought, when drawing up structural adjustment plans, to the specific characteristics of each country and to strive for a political and social consensus on these reforms;
4. *Also urges* that, in areas where recommendations have received broad support, emerging, developing and developed countries implement such recommendations promptly so as to improve global financial stability and, more importantly, promote sustainable development;
5. *Stresses* the urgent need for recommendations to be agreed and implemented as a matter of priority by various forums and bodies of the United Nations and of the Inter-Parliamentary Union;
6. *Urges* that the recommendations of the UNESCO World Conference on Science (Budapest, 26 June - 1 July 1999) be taken into account in negotiations on trade, development and the environment;
7. *Believes* that it is necessary for developing countries to be well represented in the consultations currently under way to reform the international financial architecture;
8. *Calls on* the private sector to match actions taken by governments in order to strengthen best practices on a cooperative and equal basis in a variety of areas, including transparency and disclosure of economic, financial, social and environmental information, as this would significantly enhance the resilience of the global financial system, which is considered crucial to growth-enhancing policies;
9. *Also calls on* governments and the various international financial institutions to address unresolved issues concerning the regulation of highly leveraged institutions and to seek a solution to the problem of tax havens and off-shore banking;
10. *Further calls on* all donor States to increase the proportion of gross national product (GNP) earmarked for official development assistance in order to meet the internationally agreed target of 0.7 per cent of GNP;
11. *Urges* national parliaments to promote a contingency credit line in the IMF that would be subject to the same social criteria as other credits;
12. *Calls on* international financial institutions to agree to country loans only if they have been ratified by the parliament of the recipient country;
13. *Calls* for implementation of the agreement concluded by the Group of Seven (G-7) in Cologne to lighten the debt burden and for all creditor countries to contribute to this unprecedented endeavour on the basis of the principle of equity;

14. *Stresses* the urgent need for effective mobilisation of additional financial resources for the Heavily Indebted Poor Countries Initiative from multilateral, bilateral and corporate sources and, in this connection, *expects* these limited funds to be used exclusively to overcome poverty and promote widespread sustainable development in the countries concerned;
15. *Invites* the Inter-Parliamentary Council to create appropriate mechanisms to follow up the resolutions on the problem of external debt which were adopted at the 99th, 100th, 101st and the present Inter-Parliamentary Conference;
16. *Also invites* creditor countries, private banks and multilateral finance institutions to pursue, within their respective purviews, efforts to address the commercial debt problems of the least developed countries and to ensure that the resources requested continue to be mobilised through the Debt-Reduction Facility of the International Development Association in order to help the least developed countries to reduce their commercial debt;
17. *Calls on* all governments to refrain from taking unilateral financial and economic actions that undermine the economic development of other countries;
18. *Also calls on* global financial and economic institutions to ensure that women participate on an equal footing in decision-making that concerns multinational financial and commercial issues;
19. *Recommends* that the IPU and the World Bank enhance their institutional links, in particular, with regard to ensuring follow-up to the present resolution;
20. *Calls on* the developed countries to keep their markets open and to refrain from introducing protectionist measures or artificial non-tariff barriers that would undermine economic recovery in developing countries;
21. *Urges* Governments to make every effort to ensure that negotiations on the further liberalisation of trade, including trade in agriculture, at the Seattle Ministerial Conference of the World Trade Organization (WTO) are broad-based and produce substantial and realistic results;
22. *Calls on* Governments to promote transparency and openness in the WTO and facilitate participation in the WTO negotiating process by appropriate bodies of the United Nations, the IPU and civil society institutions recognised by the United Nations;
23. *Advocates* sustainable agricultural practices in all countries and, to this end, the provision for developing countries of agricultural machinery, technology and fertilisers which are adapted to the agro-climatic aspects of regional development policies;
24. *Urges* Governments to take action against private and public companies and individuals involved in illegal cross-border trade, illegal financial transactions and dumping practices.

**RESULTS OF THE ROLL-CALL VOTE ON THE PROPOSAL OF THE DELEGATION OF
LIBYAN ARAB JAMAHIRIYA TO INTRODUCE A NEW PARAGRAPH AFTER OPERATIVE
PARAPRAPH 16 OF THE DRAFT RESOLUTION ON ITEM 5**

Results

Affirmative votes.....	611
Negative votes.....	607
Abstentions	160
Total of affirmative and negative votes	1218
Simple majority.....	609

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		11		Gabon	11			Panama			absent
Algeria	14			Germany		19		Paraguay			absent
Andorra		10		Ghana			13	Peru	14		
Angola	12			Greece		13		Philippines			10
Argentina		10		Guinea		absent		Poland			absent
Armenia			11	Hungary	4		9	Portugal		10	2
Australia		13		Iceland		10		Rep. of Korea			16
Austria		12		India			23	Rep. of Moldova			11
Azerbaijan		12		Indonesia	22			Romania			absent
Bangladesh		absent		Iran (Islam. Rep. of)	17			Russian Federation	20		
Belarus	13			Iraq	14			Rwanda	6	4	
Belgium		10		Ireland		11		San Marino		10	
Benin	11			Israel		10		Senegal			absent
Bolivia	10	2		Italy		17		Singapore			absent
Bosnia and Herzegovina		absent		Japan		20		Slovakia		12	
Botswana		absent		Jordan	11			Slovenia		10	
Brazil		20		Kazakhstan			absent	South Africa	9	4	2
Bulgaria		absent		Kenya			absent	Spain		15	
Burkina Faso	12			Kuwait	11			Sri Lanka			absent
Burundi	12			Kyrgyzstan		11		Sudan	14		
Cambodia		10		Lao Peop. Dem. Republic	10			Sweden		12	
Cameroon			13	Latvia	11			Switzerland		12	
Canada		14		Lebanon			absent	Syrian Arab Rep.	13		
Cape Verde			10	Liberia	12			Thailand	9	9	
Chile		13		Libyan Arab Jamahiriya	11			The fYR of Macedonia			absent
China	20			Lithuania		11		Togo	11		
Colombia		14		Luxembourg		10		Tunisia			absent
Congo		10		Malawi			absent	Turkey	15		3
Costa Rica	5	5	1	Malaysia		10		Uganda	7		6
Côte d'Ivoire	13			Mali	10			Ukraine	17		
Croatia		10		Malta			absent	United Arab Emirates	11		
Cuba	13			Mauritius			absent	United Kingdom		17	
Cyprus			10	Mexico	19			United Republic of Tanzania			absent
Czech Republic		13		Monaco		10		Uruguay		11	
Dem. People's Rep. of Korea	14			Mongolia		11		Uzbekistan	7	7	
Denmark		12		Morocco	14			Venezuela		13	
Djibouti	10			Mozambique	13			Viet Nam	18		
Ecuador	12			Namibia	7	4		Yemen	13		
Egypt	18			Nepal			absent	Yugoslavia	13		
El Salvador		12		Netherlands		13		Zambia	6		6
Estonia		11		New Zealand		10		Zimbabwe			13
Ethiopia	16			Nicaragua	6	4	1				
Fiji		10		Nigeria			absent				
Finland		12		Norway		11					
France		10		Pakistan			absent				

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**THE CONTRIBUTION OF PARLIAMENTS TO THE PEACEFUL COEXISTENCE
OF ETHNIC, CULTURAL AND RELIGIOUS MINORITIES, INCLUDING MIGRANT
POPULATIONS, WITHIN ONE STATE, MARKED BY TOLERANCE AND
THE FULL RESPECT FOR THEIR HUMAN RIGHTS**

*Resolution adopted without a vote by the 102nd Conference
(Berlin, 15 October 1999)*

The 102nd Inter-Parliamentary Conference,

Recalling the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights,

Referring to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (United Nations General Assembly Resolution 47/135 of 18 December 1992),

Reaffirming the numerous resolutions on minority questions adopted by the Inter-Parliamentary Union in recent years, in which measures were recommended to parliaments and governments for protecting minorities in various regions of the world, in particular:

"Contribution to the United Nations efforts to achieve complete decolonisation, end racism and apartheid, and promotion of the individual and collective rights of nationalities and of ethnic minorities" (Budapest 1989, 81st Inter-Parliamentary Conference)

"The organization and functioning of democracy and the expression of ethnic diversity as a means of ensuring the stability of all States, economic development and better use of the peace dividend for the benefit of the Third World" (Yaoundé 1992, 87th Inter-Parliamentary Conference)

"The international mass migration of people: its demographic, religious, ethnic and economic causes; its effects on source and receiving countries, its implications internationally; and the rights of migrants and refugees" (Stockholm 1992, 88th Inter-Parliamentary Conference)

"The protection of minorities as a global issue and a prerequisite for stability, security and peace" (Istanbul 1996, 95th Inter-Parliamentary Conference),

Acknowledging the importance, for the stability and economic development of States, of the peaceful coexistence of different ethnic, cultural and religious communities and mutual respect and official recognition of their traditions, languages, religions and customs,

Reaffirming, at the same time, that persons belonging to minorities should exercise their rights in good faith and with loyalty to the State in which they live, without detriment to the principle of the sovereignty and integrity of States, as enshrined in the Charter of the United Nations and international law,

Placing particular emphasis on the value of intercultural relations between different ethnic, cultural and religious communities as a source of cultural enrichment,

Deeply concerned that serious problems, including forced assimilation and repression, will lead to conflicts between ethnic, cultural or religious communities around the world,

Emphasising the obligation of all ethnic, cultural and religious communities and their members to resolve problems harmoniously and in cooperation and to facilitate the integration of all,

Considering that all disputes and conflicts, particularly those involving ethnic, cultural or religious minorities, must be resolved peacefully, without violence, in a spirit of mutual respect and in accordance with international law, at both national and international level,

Underscoring the particular obligation of parliaments and their members to defend and promote the rights of persons belonging to ethnic, cultural and religious minorities, thereby creating a world in which every individual enjoys all civil, political, economic, social and cultural rights,

Recognising that, while throughout history migrant workers have contributed to the economic development of host countries and enriched their cultural and historical heritage, in some cases, large numbers of refugees can, by their mere quantity, affect the stability of the labour markets and social security and education systems of recipient countries,

Acknowledging that migration occurs not only between developed nations and developing countries but also between the latter, and that migrants are frequently refugees, including economic refugees, who constitute a category which this Conference expressly recognises,

Taking into account that, at a time of unprecedented capital mobility and significantly fewer obstacles to the free movement of business personnel and the freedom of commercial transactions, the free movement of persons remains subject to many restrictions,

Convinced that there has been overall progress in the observance of human rights, especially since the adoption of the Universal Declaration of Human Rights by the United Nations in 1948,

Deeply concerned that in many countries violations of basic human rights, particularly the rights of persons belonging to minorities, are a frequent cause of migration,

Noting the relevance of the plight of refugees to the efforts of the international community to ensure peaceful coexistence between communities in host countries,

Aware that instances of mass inflows of refugees are on the rise,

Noting the growing number of refugees fleeing from environmental disasters,

Noting with satisfaction the decisions and initiatives taken by the United Nations High Commissioner for Refugees (UNHCR) to assist the countries and regions most affected by mass movements of refugees, by promoting the principle of burden-sharing,

Recognising that receiving countries are concerned at the socio-economic implications for social harmony and peaceful coexistence of providing indefinite protection and assistance to large numbers of refugees,

Alarmed that a mass influx of refugees can in some countries lead to public disturbance and affect the country's capacity to protect the most vulnerable groups,

Condemning manifestations of xenophobia, racism and intolerance towards migrants and ethnic, cultural and religious minorities,

Stressing the crucial role of education in promoting a spirit of tolerance and the principle of non-discrimination towards all persons, with due regard to minorities,

Highly concerned at the particular vulnerability of migrant workers, illegal migrants and refugees, who are often victims of abuse,

Bearing in mind that in 1990 the United Nations adopted the International Convention on the Protection of the Rights of Migrant Workers and the Members of their Families,

Welcoming the appointment in 1998 by the United Nations Commission on Human Rights, on the proposal of the Government of Mexico, of a special Rapporteur on the human rights of migrants,

Welcoming the decision by the United Nations General Assembly (1997/III) to convene in 2001 a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

A. Democratic values and mechanisms

1. *Calls on* all parliaments and their members to take appropriate measures so that:
 - (i) Mutual respect and cooperation among ethnic, cultural and religious communities are expressed, for the most part, not in special laws but, more effectively, in the framework of a constitution guaranteeing the freedom of individuals;
 - (ii) International and regional agreements to preserve the identity of ethnic, cultural and religious minorities are ratified or signed by the States concerned which have not yet done so;
 - (iii) National legislation is reviewed and, if necessary, amended to ensure its consistency with the provisions and standards of international law that concern respect for minorities;
 - (iv) National parliamentary bodies or ombudsman institutions are created to monitor permanently the consistency of actions taken by the legislature, judiciary and executive with international and national objectives regarding the rights of minorities;
 - (v) National guidelines and programmes are drawn up and implemented, giving due consideration to the legitimate interests of the members of all minorities, in order to preclude all intolerance;

- (vi) Conditions are created for the mutual respect of the ethnic, cultural and religious identities of all the communities of society;
- (vii) School and university curricula include courses on human rights;
- (viii) Respect for the fundamental principles of human rights and for ethnic, cultural and religious diversity, a spirit of tolerance and inter-cultural dialogue are promoted among the public;
- (ix) Parliaments and their members use all means available to them to promote peaceful coexistence and constructive cooperation between different communities and to prevent any unfavourable or discriminatory treatment arising from membership of an ethnic, cultural or religious minority;
- (x) All acts of racism, xenophobia, anti-semitism and religious discrimination are prohibited and punished by law;
- (xi) International and regional human rights organisations recognised by the United Nations have the necessary access to information on the conditions of cooperation and coexistence between ethnic, cultural and religious communities;
- (xii) All interested parties have access to the information and proposals of human rights bodies which concern members of ethnic, cultural and religious minorities;

B. Cultures, languages and religions of ethnic, cultural and religious minorities

2. *Calls on* parliaments and their members to advocate:

- (i) That identification with an ethnic, cultural or religious community and membership of such a community should be a matter of free choice;
- (ii) That the members of an ethnic, religious or linguistic minority should be free to practice their own culture and customs individually or together with other members, profess and practice their own religion, enjoy their own education and use their own language in private and in public;
- (iii) That, where there is the demand, the necessary conditions should be created and safeguarded to ensure that the languages of all ethnic minorities can be spoken, taught and learned on the basis of free choice and that awareness should be raised of the social, economic and cultural realities of minorities;
- (iv) That access to good training and qualifications should be assured for members of all ethnic, cultural and religious minorities in the same conditions as for other nationals;

C. The media and their portrayal of ethnic, cultural and religious minorities

3. *Calls on* all parliaments and their members, while respecting freedom of the press and freedom of opinion and expression, to see to it that:

- (i) Media workers are encouraged to give an objective and balanced picture of all ethnic, cultural and religious minorities in accordance with ethical principles;
- (ii) Racist and discriminatory depictions are prohibited;

D. Participation in working life and receipt of social benefits

4. *Appeals* to all parliaments and their members to ensure:

- (i) That no disadvantage can arise for members of ethnic, cultural and religious minorities in respect of access to gainful employment solely as a result of open profession of such membership;
- (ii) That all nationals belonging to ethnic, cultural and religious minorities receive the same treatment as the other members of society in respect of social and other publicly funded benefits;

E. Participation in democratic and social life

5. *Asks* all parliaments and their members to ensure:

- (i) That the right to participate in free elections by secret ballot is guaranteed for citizens belonging to any ethnic, cultural or religious minority;
- (ii) That ethnic, cultural and religious minorities are appropriately involved in political decision-making and are able to assert their interests democratically;
- (iii) That the constitution and legislation of each country entitles all legal residents belonging to any ethnic, cultural or religious minority to acquire property freely;
- (iv) That the members of all ethnic, cultural and religious minorities are granted free access to, and the right to a hearing by, public administrative authorities and all courts of law, and that the rights they share with the other members of society are upheld;
- (v) That public law enforcement officers treat the members of all ethnic, cultural and religious minorities in a non-discriminatory manner and that efforts are made within law enforcement agencies to provide education to ensure non-discriminatory treatment;
- (vi) That the members of all ethnic, cultural and religious minorities are informed as to their fundamental rights and the means available for asserting them;

F. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

6. *Calls on* all parliaments:

- (i) To participate actively in the preparation of the World Conference against Racism;
- (ii) To encourage governments and the authorities concerned to make this event a success so as to further the fight against racism, racial discrimination, xenophobia and intolerance;
- (iii) To mobilise all national institutions so that special attention is paid to the effects of racism and racial discrimination in education, training and employment on children belonging to minorities and migrant children, and that steps are taken to remedy these effects;

G. The difficult situation of migrant workers

7. *Calls on* parliaments to encourage all the institutions responsible in their countries:

- (i) To observe and promote full respect for the human rights of migrants, especially migrant workers, regardless of their status as migrants;

- (ii) To promote a culture of openness towards migrants, focusing on the positive contribution of their work and efforts to the economies in which they are employed;
 - (iii) To consider ratifying, if they have not yet done so, the International Convention on the Protection of the Rights of Migrant Workers and the Members of Their Families adopted by the United Nations in 1990;
8. *Calls on* the international institutions concerned to provide assistance and support to the recipient countries to enable them to take better care of economic refugees and find humanitarian solutions for the problems caused by massive migration, and to assist the countries of origin in combating the economic causes of migration;
9. *Expresses* its firm support for the recent appointment by the United Nations Commission on Human Rights, as proposed by the Government of Mexico, of a special Rapporteur on the human rights of migrants;

H. The urgency of the situation of refugees

10. *Calls on* the international organisations concerned to intensify their efforts to assist the countries most affected by mass inflows of refugees;
11. *Calls on* members of parliament to work actively to solve the problem of refugees by enacting laws and regulations which embody the principle of burden-sharing;
12. *Calls on* the international community and members of parliament to take steps so that people forced to leave their homes and countries as a result of environmental disasters are recognised as refugees, in accordance with the principles of the Protocol relating to the Status of Refugees.

**RESULTS OF THE ROLL-CALL VOTE ON THE PROPOSAL OF THE DELEGATION OF
CANADA TO ADD THREE PARAGRAPHS TO THE PREAMBULE AND ONE PARAGRAPH TO
THE OPERATIVE PART OF THE DRAFT RESOLUTION ON ITEM 6**

Results

Affirmative votes.....	362
Negative votes.....	810
Abstentions	187
Total of affirmative and negative votes	1172
Simple majority.....	586

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		11		Germany	12		7	Peru			10
Algeria		14		Ghana		absent		Philippines	9		9
Andorra	10			Greece	10		3	Poland		15	
Angola		12		Guinea		absent		Portugal	12		
Argentina			10	Hungary		10		Rep. of Korea		absent	
Armenia		11		Iceland	10			Rep. of Moldova		10	
Australia	3	10		India		23		Romania		absent	
Austria	4	8		Indonesia		22		Russian Federation		20	
Azerbaijan		12		Iran (Islam. Rep. of)		17		Rwanda	6		4
Bangladesh		10		Iraq		14		San Marino	5		5
Belarus		13		Ireland		absent		Senegal		absent	
Belgium	5		5	Israel	10			Singapore		absent	
Benin		11		Italy	9	8		Slovakia	8		4
Bolivia	2	10		Japan		20		Slovenia	10		
Bosnia and Herzegovina		absent		Jordan		11		South Africa			16
Botswana		absent		Kazakhstan		13		Spain	15		
Brazil		20		Kenya		14		Sri Lanka		absent	
Bulgaria		absent		Kuwait		10		Sudan		14	
Burkina Faso		12		Kyrgyzstan		11		Sweden	12		
Burundi			12	Lao People's Dem. Republic		11		Switzerland	6	3	3
Cambodia	10			Latvia		11		Syrian Arab Rep.		13	
Cameroon			13	Lebanon		10		Thailand			18
Canada	14			Liberia	12			The fYR of Macedonia		absent	
Cape-Verde	10			Libyan Arab Jamahiriya		11		Togo		absent	
Chile		13		Lithuania			11	Tunisia		absent	
China		20		Luxembourg	10			Turkey		18	
Colombia	7	7		Malawi		absent		Uganda			13
Congo		10		Malaysia		10		Ukraine		17	
Costa Rica	5	5	1	Mali		10		United Arab Emirates		11	
Côte d'Ivoire		absent		Malta		absent		United Kingdom	8	8	1
Croatia	10			Mauritius		10		United Republic of Tanzania		absent	
Cuba	13			Mexico	4	9	6	Uruguay		5	6
Cyprus		absent		Monaco	10			Uzbekistan		14	
Czech Republic	7	2	2	Mongolia		11		Venezuela		13	
Dem. People's Rep. of Korea			14	Morocco		14		Viet Nam		18	
Denmark	12			Mozambique		13		Yemen		13	
Djibouti		10		Namibia	6	4	1	Yugoslavia		13	
Ecuador		absent		Nepal		absent		Zambia		12	
Egypt		18		Netherlands	13			Zimbabwe			10
El Salvador		absent		New Zealand	11						
Estonia	9		2	Nicaragua		10	1				
Ethiopia		16		Nigeria		absent					
Fiji	10			Norway	11						
Finland	12			Pakistan		20					
France		absent		Panama		absent					
Gabon		11		Paraguay		absent					

N.B. This list does not include one delegation present at the Conference which was not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**AGENDA OF THE
103rd INTER-PARLIAMENTARY CONFERENCE**

(Amman, 30 April - 6 May 2000)

*Approved by the Council of the Inter-Parliamentary Union at its 165th session
(Berlin, 16 October 1999)*

1. Election of the President and Vice-Presidents of the 103rd Conference
2. Consideration of possible requests for the inclusion of a supplementary item in the Conference agenda
3. General Debate on the political, economic and social situation in the world
4. Achieving peace, stability and comprehensive development in the world and forging closer political, economic and cultural ties among peoples
5. The dialogue among civilisations and cultures³

³ Under this item, the Conference will discuss dialogue among civilisations and such issues as the role of culture in international cooperation and coexistence; ways of promoting international cultural exchanges; and the preservation of cultural diversity and social pluralism in a globalised world.

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES TO BE INVITED
TO FOLLOW THE WORK OF THE 103rd CONFERENCE AS OBSERVERS**

**Approved by the Council of the Inter-Parliamentary Union at its 165th session
(Berlin, 16 October 1999)**

Palestine

United Nations
 United Nations Conference on Trade and Development (UNCTAD)
 International Labour Organization (ILO)
 Food and Agriculture Organization of the United Nations (FAO)
 United Nations Educational, Scientific and Cultural Organization (UNESCO)
 World Health Organization (WHO)
 World Bank
 International Monetary Fund (IMF)
 International Fund for Agricultural Development (IFAD)
 World Trade Organization (WTO-OMC)

Council of Europe
 International Organization for Migration (IOM)
 Latin American Economic System (LAES)
 League of Arab States
 Organization of African Unity (OAU)
 Organization of American States (OAS)

African Parliamentary Union (APU)
 Amazonian Parliament
 Arab Inter-Parliamentary Union
 ASEAN Inter-Parliamentary Organization (AIPO)
 Asian and Pacific Parliamentarians' Union
 Assemblée parlementaire de la Francophonie
 Assembly of the Western European Union (WEU)
 Association of European Parliamentarians for (Southern) Africa (AWEPA)
 Baltic Assembly
 Commonwealth Parliamentary Association (CPA)
 Consultative Council of the Arab Maghreb Union
 Inter-Parliamentary Assembly of the Commonwealth of Independent States
 Inter-Parliamentary Council against Antisemitism
 Nordic Council
 Parliamentary Assembly of the Black Sea Economic Co-operation
 Parliamentary Assembly of the OSCE
 Parliamentary Association for Euro-Arab Co-operation (PAEAC)
 Parliamentary Union of the Organisation of the Islamic Conference Members (PUOICM)

Amnesty International
 International Committee of the Red Cross (ICRC)
 International Federation of Red Cross and Red Crescent Societies
 World Federation of United Nations Associations (WFUNA)

FUTURE MEETINGS AND OTHER ACTIVITIES

**Approved by the Council of the Inter-Parliamentary Union at its 165th session
(Berlin, 16 October 1999)**

Meeting of parliamentarians attending the 54 th session of the UN General Assembly	NEW YORK (UN Headquarters) 25 October 1999
Debate in the United Nations General Assembly on UN-IPU co-operation	NEW YORK (UN Headquarters) 27 October 1999
Information Seminar on the Functioning of the Union (English language)	GENEVA (IPU Headquarters) 8-13 November 1999
Second Meeting of Parliamentarians on the Convention on Desertification, organised by the Secretariat of the Convention to Combat Desertification and sponsored by the IPU	RECIFE (Brazil) 22-23 November 1999
Third International Forum on " <i>Parliaments and Local Authorities: Tourism Policy-Makers</i> ", organised by the World Tourism Organization and hosted by the Brazilian Inter-Parliamentary Group with IPU sponsorship	RIO DE JANEIRO (Brazil) 24-26 November 1999
Joint UNESCO/IPU Forum on " <i>Perspectives on Democracy: How Women Make a Difference</i> "	PARIS (UNESCO Headquarters) 1-3 December 1999
88 th session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 16-20 January 2000
Third Session of the Preparatory Committee for the Conference of Presiding Officers of National Parliaments	GENEVA (IPU Headquarters) 31 January and 1 February 2000
Parliamentary Meeting on the occasion of UNCTAD X, organised jointly by the IPU and the Thai National Assembly in cooperation with the UNCTAD Secretariat	BANGKOK (Thailand) 10 and 11 February 2000
Committee for Sustainable Development	GENEVA (IPU Headquarters) 1-3 March 2000
III rd Inter-Parliamentary Conference on Security and Co-operation in the Mediterranean	MARSEILLES (France) 30 March-3 April 2000

103rd Inter-Parliamentary Conference and related meetings

- Executive Committee (230th session)
- Gender Partnership Group
- Meeting of Women Parliamentarians
- Co-ordinating Committee of Women Parliamentarians
- Committee on the Human Rights of Parliamentarians (89th session)
- Inter-Parliamentary Council (166th session)
- Inter-Parliamentary Conference
- Group of Facilitators for Cyprus
- Committee on Middle East Questions
- Meeting of Parties to the CSCM

AMMAN (Jordan)

28 April-6 May 2000

28, 29 April and 4 May

28 and 29 April

30 April and 5 May

30 April and 5 May

30 April - 5 May

1 and 6 May

1-5 May

2 and 4 May

3 and 4 May

3 May

Tripartite Meeting on "*Democracy through Partnership between Men and Women*" on the occasion of the "*Beijing+5*" Special Session of the United Nations General Assembly to review and appraise the implementation of the Beijing Platform for Action

NEW YORK (UN Headquarters)

6 June 2000

Parliamentary Meeting on the occasion of the "*Copenhagen+5*" Special Session of the United Nations General Assembly

GENEVA (United Nations Office)

27 June 2000

90th session of the Committee on the Human Rights of Parliamentarians

GENEVA (IPU Headquarters)

10-13 July 2000

Fourth Workshop of Parliamentary Scholars and Parliamentarians, organised by the Centre for Legislative Studies sponsored by the IPU, Wroxton College

OXFORD (United Kingdom)

5-6 August 2000

Conference of Presiding Officers of National Parliaments

NEW YORK (UN Headquarters)

30 August to 1 September 2000

104th Inter-Parliamentary Conference

JAKARTA (Indonesia)

15 - 21 October 2000

105th Inter-Parliamentary Conference

HAVANA (Cuba)

1-7 April 2001

106th Inter-Parliamentary Conference

OUAGADOUGOU (Burkina Faso)

September/October 2001

**ORGANISATION OF THE PARLIAMENTARY MEETING
ON THE OCCASION OF UNCTAD X
Bangkok (Thailand), 10 and 11 February 2000**

Modalities approved by the Council of the Inter-Parliamentary Union at its 165th session

(Berlin, 16 October 1999)

**GENERAL
CONSIDERATIONS**

IPU has a long-standing tradition of contributing to major UN fora both through direct participation in such events and through mobilisation of parliamentary support and awareness at the national level. On many occasions (Brasilia, Cairo, Copenhagen, Beijing, Rome), the Union held special events based on the *Parliamentary Day* format and organised in conjunction with the UN bodies concerned.

At its 164th session (Brussels, April 1999), the IPU Council requested the Union's Secretary General to pursue consultations with a view to the possible holding of a parliamentary meeting on the occasion of the tenth session of the United Nations Conference on Trade and Development (UNCTAD X), to be held in Bangkok in February 2000. UNCTAD, an intergovernmental subsidiary of the UN General Assembly responsible for the equitable integration of developing countries and economies-in-transition into the world economy, has 188 member States.

The proposals listed below have been elaborated by the IPU Committee for Sustainable Development for consideration by the IPU Council. They outline possible arrangements for the organisation of such a meeting.

**OBJECTIVES
OF THE MEETING**

In the past, parliamentarians in developing and developed countries alike have had only limited awareness of UNCTAD's work, primarily through government officials, and have had little direct opportunity to be exposed to the importance and relevance of this organisation's work.

Accordingly, the meeting would be held with the aim of mobilising parliamentary support for and securing a parliamentary input into UNCTAD X, in particular through encouraging MPs to seek membership of their respective national delegations to the intergovernmental forum. It should allow to focus attention on shaping the parliamentary component of the follow-up to UNCTAD X.

Holding of the meeting would provide opportunities for MPs to:

- Obtain first-hand information about the main issues and thrusts of UNCTAD X as the first major intergovernmental Conference of the new millennium;

- Receive relevant United Nations background documents;
- Participate directly in the elaboration of parliamentary recommendations to UNCTAD X;
- Establish contacts that could be pursued in the course of consultations between national delegations;
- Familiarize themselves with relevant IPU recommendations in order to promote them through national delegations;
- Consider possible follow-up to UNCTAD X at the parliamentary level.

TITLE The title of the meeting would be **Parliamentary Meeting on the occasion of UNCTAD X**.

VENUE The entire deliberations of the Parliamentary Meeting would take place **in the United Nations Conference Center** at the premises of the **Economic and Social Commission for Asia and the Pacific (ESCAP)** in Bangkok.

DURATION AND DATES Previous parliamentary meetings of such kind have usually followed a one-day pattern. However, on this occasion, given the importance of UNCTAD X – a UN-wide stocktaking of half a century of multilateral efforts for development, taking place at the heart of the region that experienced first the “Asian miracle” and then “the Asian crisis” -- the depth and scope of the debate would certainly benefit were the meeting to sit during **one-and-a-half** days.

To achieve good attendance at the Parliamentary Meeting and to ensure that its recommendations are transmitted to UNCTAD X at the start of the latter's work, the Parliamentary Meeting should be held on the very eve of the inter-governmental session, on **10 and 11 February 2000**.

PROVISIONAL PROGRAMME AND AGENDA Provisional programme and agenda of the Parliamentary Meeting on the occasion of UNCTAD X are enclosed.

PARTICIPANTS AND OBSERVERS Participants in the meeting would be MPs present in Bangkok for the UNCTAD X session as part of their national delegations, as well as any other MPs delegated by IPU National Groups and Associate Members to take part in the parliamentary event. It is recommended that, as far as possible, participants be designated from among members of parliament who are active in connection with trade and development issues.

Judging by past experience, a meeting of this type could attract **up to 200 participants** from all over the world.

POSSIBLE OUTCOME At the end of its proceedings, the Meeting could adopt a final document containing concrete recommendations for the attention of delegates to UNCTAD X and the international media.

The IPU Council President or the President of the host parliament who has chaired the Meeting would address the UNCTAD X plenary session on behalf of the world parliamentary community and convey the meeting's recommendations to UNCTAD X.

An illustrated publication could be prepared after the UNCTAD X session to reflect the deliberations and outcome of the Parliamentary Meeting. Ensuring good dissemination of the publication to parliaments, governments and civil society organisations concerned with trade and development issues would be a priority.

METHODS OF WORK

The meeting could be **chaired** by the President of the Thai National Assembly who is also the President of the Thai Inter-Parliamentary Group.

The **inaugural session** could be addressed, among others, by the President of the National Assembly, the IPU Council President and the Secretary General of UNCTAD.

Other personalities could be invited to make brief introductory presentations as keynote speakers at the start of the debate. All debates would be held in **plenary**.

LANGUAGES

The proceedings of the Parliamentary Meeting would be simultaneously interpreted into **five languages**: English, French, Spanish, Arabic and Thai.

ORGANISERS

The meeting would be organised by the IPU and the Thai National Assembly in cooperation with the UNCTAD Secretariat.

DISTRIBUTION OF RESPONSIBILITIES

Basic **IPU responsibilities** would include:

- Convocation of the meeting;
- Preparation of all written materials to be distributed before, during and after the meeting, including the draft Final Document;
- Consultations with the UNCTAD Secretariat on matters pertaining to the substance of the meeting;
- Procedural aspects of the meeting;
- International transportation and subsistence allowance of the IPU Council President, IPU Secretary General, three IPU staff members and one consultant;
- Fees of the consultant and of interpreters of English, French, Spanish and Arabic languages;
- Supplying the Thai hosts with any information the latter might need for the successful implementation of their tasks and responsibilities;
- Other organisational issues in accordance with the Agreement signed between the IPU and the Thai National Assembly.

The **Thai National Assembly** would be basically responsible for:

- Official invitations to the meeting;
- Renting of an adequate capacity (up to 250 participants) meeting room at UNCC equipped with facilities for simultaneous interpretation;
- Renting of temporary offices at UNCC for the IPU Council

President, IPU Secretary General as well as the staff of IPU, National Assembly and UNCTAD;

- Simultaneous interpretation of the proceedings into Thai;
- Reproduction of documents on specially installed photocopy machines as well as on UNCC reproduction facilities;
- Registration (under IPU supervision) of delegates at a duly equipped registration desk;
- Hospitality and assistance to delegates including organisation of one reception;
- Individual transport for the IPU Council President and IPU Secretary General during their stay in Bangkok;
- Other organisational issues in accordance with the Agreement signed between the IPU and the Thai National Assembly.

UNCTAD Secretariat would be responsible for:

- Ensuring that necessary prominence is given to the Parliamentary Meeting within the overall programme of UNCTAD X and related meetings;
- Ensuring that the IPU representative is given a suitable opportunity to address the intergovernmental session and that conclusions and recommendations of the Parliamentary Meeting be given due consideration;
- Helping the IPU with substantive aspects of the Parliamentary Meeting;
- Providing sufficient numbers of background documents (including relevant UNCTAD reports) to all participants in the meeting in all available languages;
- Assisting the IPU in identifying the keynote speakers and facilitating their presence at the meeting;
- Making special arrangements in order to ensure that the Council President, IPU Secretary General and the accompanying staff enjoy free access to the UNCTAD X Conference site.

**FINANCIAL
MATTERS**

A limited budgetary provision to cover the costs relating to the holding of the Parliamentary Meeting in Bangkok has been included in the draft programme and budget of the Union prepared by the Secretary General for the year 2000.

PARLIAMENTARY MEETING
ON THE OCCASION OF UNCTAD X
(Bangkok, 10-11 February 2000)

PROVISIONAL PROGRAMME AND AGENDA

Wednesday, 9 February

9 a.m. *Preparatory Committee (in camera meeting)*
9 a.m. - 8 p.m. *Registration of participants*

Thursday, 10 February

8 a.m. - 5 p.m. *Registration of participants*
9 - 9.45 a.m. *Inaugural session*
10 a.m. - noon *Working session*

- Item 1** **Adoption of the agenda**
Item 2 **Presentation on main issues and orientations of UNCTAD X**
Item 3 **Debate on the themes of UNCTAD X**
I. Equitable trading relationships
II. Providing finance for development
III. Management of the global economy

Noon - 2 p.m. *Luncheon*
2 - 5 p.m. *Continuation of the debate on Item 3*
5 - 8 p.m. *Meeting of the Drafting Committee*
Evening *Reception by the Thai National Assembly*

Friday, 11 February

10 a.m. - noon *Continuation of the debate*
Item 4 **Exchange of views with regard to parliamentary strategies for effective follow-up of UNCTAD X**
Item 5 **Adoption of a Final Document**
Noon *Closure of the meeting*

**TRIPARTITE MEETING ON "DEMOCRACY THROUGH PARTNERSHIP BETWEEN
MEN AND WOMEN"**

New York, United Nations Headquarters, 6 June 2000

Arrangements for convening this meeting during the « Beijing + 5 » Special Session of the United Nations General Assembly were approved by the Council of the Inter-Parliamentary Union at its 165th session (Berlin, 16 October 1999)

**The Special Session
Of the General
Assembly**

The "Beijing + 5" Special Session of the United Nations General Assembly will be held in New York from 5 to 9 June 2000. Its purpose is to assess national, regional and international follow-up to the recommendations of the Fourth World Conference on Women held in Beijing in September 1995. These recommendations are contained in the *Beijing Declaration and Platform for Action*. Having taken stock of the situation, the General Assembly will propose practical measures and initiatives for further action on the commitments made in Beijing. The United Nations Commission on the Status of Women is the body responsible for preparing the Session; it will meet again for that purpose in November 1999 and will finalise its preparations at its annual session in March 2000.

**Why the Inter-
Parliamentary Union
should contribute**

The Inter-Parliamentary Union customarily contributes to major United Nations forums by seeking to introduce a "parliamentary dimension" into the intergovernmental organisation's proceedings. Thus, in 1993 the Union contributed to the Beijing Conference through intense mobilisation of parliaments in preparation for the event and by drawing up a *Plan of Action to correct present imbalances in the participation of men and women in political life*, a document adopted by the Council in March 1994 as a contribution to the preparatory work on the *Beijing Platform for Action*. The Union subsequently encouraged large-scale parliamentary involvement in the Conference itself and the concurrently convened NGO Forum and organised, in conjunction with the Chinese National People's Congress, a Parliamentarians' Day at the close of which the appended Declaration was adopted. The President of the Inter-Parliamentary Council also took the floor at a plenary meeting of the Conference.

Since then, the Inter-Parliamentary Union has spared no effort to promote follow-up to the Conference recommendations through discussions, resolutions and initiatives, including a survey in 1999 of all parliaments and the political parties represented in them. The survey, whose findings are submitted to the Council in document CL/165/12a)-R.1, was conducted in consultation with the United Nations and is intended to supplement the UN survey of governments.

Title of the meeting	Tripartite meeting on <i>Democracy through Partnership between Men and Women</i> for the <i>Beijing +5</i> Special Session.
Nature and Objectives of the meeting	<p>The purpose of the meeting is to mobilise parliamentary support for and input to the Special Session of the United Nations General Assembly, for instance by encouraging parliamentarians to join their country's national delegation to the Session. Provision can thus be made for including a parliamentary component in the review of progress since the Conference, both at country level and at the regional and international levels, and in the development of proposals for essential future action.</p> <p>The tripartite character of the meeting should also promote a dialogue, which is necessary but not always possible or carried out in practice, between three major categories of actor - parliamentarians, representatives of governments, and representatives of relevant UN organisations and funds – whose action is interdependent.</p> <p>As well as making useful contacts, parliamentarians taking part in the meeting will be able to:</p> <ul style="list-style-type: none">◆ Obtain first-hand information on the main themes and thrusts of the Special Session;◆ Be associated with the process of negotiation of General Assembly recommendations and provide a parliamentary perspective;◆ Learn more about and publicise IPU action and recommendations concerning follow-up to the Beijing Conference in order to defend them vis-à-vis national delegations.
Venue, duration and date	By arrangement with the United Nations Secretariat, the tripartite meeting will be held at United Nations Headquarters in New York on 6 June 2000.
Participants	<p>The participants in the meeting will include:</p> <ul style="list-style-type: none">◆ Parliamentarians present in New York for the Special Session of the United Nations General Assembly as members of their respective national delegations and other MPs delegated by their parliaments to attend; a letter of invitation will be sent by the Secretary General to all member and non-member parliaments of the Union;◆ Representatives of governments: a note verbale will be sent to all permanent missions in New York to inform them that heads of national delegations to the Special Session or their designated representatives are invited to attend the meeting;◆ Representatives of relevant organisations and funds of the United Nations system: an invitation will be sent to them by the Secretary General
Opening	The United Nations Secretary-General will be invited to the opening of the meeting together with the Chairperson of the Commission on the Status of Women and the Special Adviser to the United Nations Secretary-General on gender issues.
Working documents	The participants will be provided with the findings of the above-mentioned survey of parliaments and political parties conducted by the Inter-Parliamentary Union. They will also be provided with a summary of a series of written interviews with women politicians around the world conducted by the Inter-Parliamentary Union in 1999 and the results of the Forum organised jointly by the Inter-Parliamentary Union and UNESCO in Paris from 1 to 3 December 1999 in association with the United Nations Division for the Advancement of Women on <i>Perspectives on Democracy: How Women Make a Difference</i> (see document CI/165/15b)-P.2). They should also have the draft document prepared by the United Nations Commission on the Status of Women and submitted to the General Assembly for adoption.

Expected results	<p>At the close of the meeting, the participants may wish to adopt the text of a brief message to the Special Session of the General Assembly, stressing areas for priority future action and procedures for more coordinated action by parliaments, governments and international organisations.</p> <p>The President of the Inter-Parliamentary Council will take the floor at a plenary meeting of the Special Session of the General Assembly on behalf of the world parliamentary community and transmit the message from the meeting. The attention of the General Assembly will also be drawn to the results of the above-mentioned surveys and Forum.</p>
Methods of work	<p>The meeting will be opened and chaired by the President of the Inter-Parliamentary Council.</p> <p>The proceedings will be held in plenary session and will be initiated by brief keynote speeches.</p>
Languages	<p>Simultaneous interpretation will be provided in the four languages customarily used at Union conferences, namely English, French, Spanish and Arabic</p>
Other organisational and financial questions	<p>The meeting will be organised by the Union with United Nations assistance.</p> <p>In accordance with normal practice, national delegations and diplomatic missions in New York will, as a rule, attend to all matters relating to visas, reservations of hotel accommodation in New York and transport for delegates.</p> <p>In addition to its usual responsibilities in connection with this type of meeting (convocation; preparation and distribution of documents; procedural matters; secretariat), the Union will also assume the following responsibilities in the absence of a host parliament: simultaneous interpretation, registration of delegates, reproduction of documents, ancillary staff.</p>

**ORGANISATION OF THE PARLIAMENTARY MEETING
ON THE OCCASION OF THE "COPENHAGEN +5" SPECIAL SESSION
OF THE UNITED NATIONS GENERAL ASSEMBLY
Geneva, 25 June 2000**

*Modalities approved by the Council of the Inter-Parliamentary Union at its 165th session
(Berlin, 16 October 1999)*

BASIC INFORMATION ON THE SPECIAL SESSION

The Special Session of the United Nations General Assembly entitled "World Summit for Social Development and Beyond: Achieving Social Development for All in a Globalising World" will be held in Geneva from 26 to 30 June 2000. The purpose of the session is to review and appraise the implementation of the outcome of the World Summit for Social Development (WSSD), held in Copenhagen in March 1995, and to propose concrete actions and initiatives for further implementation of the Copenhagen commitments. Five years ago, the Inter-Parliamentary Union actively contributed to WSSD and, in particular, organised a Parliamentarians' Day on the occasion of the Summit.

Preparatory work for the Special Session is being conducted by its Preparatory Committee, the first session of which was held in New York from 17 to 28 May 1999. The Inter-Parliamentary Union used the occasion to present its report on the Second Tripartite Meeting of Representatives of Parliaments, Governments and Intergovernmental organisations on parliamentary follow-up to WSSD which had taken place in New York on 30 and 31 March 1999. The second and concluding session of the Preparatory Committee of the "Copenhagen +5" Special Session of the UN General Assembly will be held in New York from 3 to 14 April 2000.

**GENERAL
CONSIDERATIONS**

On consideration of the report submitted by the IPU Committee for Sustainable Development to the 164th session of the Inter-Parliamentary Council (Brussels, April 1999), the Council supported the Committee's proposal that a parliamentary meeting should be organised by IPU on the occasion of the "Copenhagen +5" Special Session of the United Nations General Assembly.

The holding of such a meeting would be in keeping with the IPU's long-standing tradition of contributing to major UN fora both through direct participation in such events and through mobilisation of parliamentary support and awareness at the national level. On many occasions (Brasilia, Cairo, Copenhagen, Beijing, Rome) the Union has held special events based on the *Parliamentary Day* format and

organised in conjunction with the UN bodies concerned.

The proposals listed below have been elaborated by the IPU Committee for Sustainable Development for consideration by the IPU Council. They outline possible arrangements for the organisation of such a meeting.

TITLE The meeting could be called **Parliamentary Meeting on the occasion of the "Copenhagen +5" Special Session of the United Nations General Assembly.**

OBJECTIVES OF THE PARLIAMENTARY DAY The meeting would be held with the aim of mobilising parliamentary support for and securing a parliamentary input into the Special Session of the UN General Assembly. The meeting could also encourage MPs to seek membership of their respective national delegations to the session. It should focus parliamentary attention on assessment of progress achieved since WSSD both nationally and internationally and on the preparation of relevant forward-looking proposals.

Participation in the meeting would provide opportunities for MPs to:

- Obtain first-hand information about the main issues and thrusts of the Special Session;
- Receive relevant United Nations background documents;
- Establish contacts that could be pursued in the course of consultations between national delegations;
- Familiarise themselves with relevant IPU recommendations concerning WSSD follow-up and promote them through national delegations;
- Contribute to the preparation of proposals for further WSSD follow-up at the parliamentary level.

In addition, members of parliament present in Geneva at the time of the Special Session would be able to participate in a series of symposia with senior representatives of the business community, parliaments, trade unions, NGOs and other civil society actors to be organised as "side events" of the Special Session.

VENUE Upon consultation, the Swiss authorities responsible for the logistics of the Special Session and the Director General of the International Labour Office (ILO) agreed that the Parliamentary Meeting could be held at the **ILO premises.**

DURATION DATE **ANI** To ensure good attendance, the meeting should be held at the very start of the Special Session, for example on **Sunday, 25 June 2000.**

Bearing in mind the heavy schedule of pre-session consultations and other preparatory events on that day, it is recommended that the meeting should run for half a day, preferably in the afternoon.

The meeting could be followed by a reception.

PARTICIPANTS Participants in the meeting would be MPs present in Geneva at the time of the Special Session of the UN General Assembly as part of their national delegations, as well as any other MPs delegated by their parliaments to take part in the parliamentary event.

Judging by past experience, a meeting of this type could attract **up to 200 participants** from all over the world.

POSSIBLE OUTCOME At the end of its proceedings, the Meeting could adopt a brief message to the "Copenhagen +5" Special Session of the UN General Assembly.

It is proposed that the IPU Council President address the Special Session of the UN General Assembly on behalf of the world parliamentary community and convey the meeting's message (as was done during the WSSD itself).

**METHODS
OF WORK**

The meeting could be opened and chaired by the President of the Inter-Parliamentary Council.

The discussions would be held in **plenary session** and could be launched by one or two keynote speakers specially invited by IPU.

LANGUAGES

The proceedings of the Parliamentary Meeting would be simultaneously interpreted into the **four languages** normally used at IPU Conferences (English, French, Spanish and Arabic).

**OTHER
ORGANISATIONAL
AND FINANCIAL
MATTERS**

The meeting would be organised by the IPU with the support of the United Nations and the ILO.

It is presumed that, as is customary for this sort of parliamentary meeting, all matters relating to visas, hotel accommodation in Geneva and transport for participants will be taken care of by the respective national delegations and diplomatic missions in Geneva.

In addition to the Union's usual responsibilities in connection with such meetings (convocation; preparation and distribution of all written materials; procedural aspects; secretarial support), IPU would have to assume, in the absence of a host parliament, other responsibilities such as the provision of simultaneous interpretation, registration of delegates, documents reproduction, supporting staff, and organisation of a reception.

A limited budgetary provision to cover these costs has been included in the draft programme and budget of the Union prepared by the Secretary General for the year 2000.

**MODALITIES FOR THE IIIrd INTER-PARLIAMENTARY CONFERENCE ON
SECURITY AND COOPERATION IN THE MEDITERRANEAN (IIIrd CSCM)**

Marseilles (France), 30 March to 3 April 2000

*Approved by the Council of the Inter-Parliamentary Union at its 165th session
(Berlin, 16 October 1999)*

Work programme

Thursday 30 March 2000	9 a.m. to 1 p.m. and 2.30 p.m. to 4 p.m.	<ul style="list-style-type: none"> • Meeting of the Preparatory / Coordinating Committee (to finalise the draft Final Document on the basis of the Secretary General's preliminary draft) <p align="right">(in closed session)</p>
	4 p.m. to 6.30 p.m.	<ul style="list-style-type: none"> • Meeting of Women Parliamentarians
Friday 31 March 2000	10 a.m. to 1 p.m.	<ul style="list-style-type: none"> • Inaugural Ceremony • Opening of the proceedings • Plenary meeting: addresses by two special guests and opening of the General Debate
	3 p.m. to 6.30 p.m.	<ul style="list-style-type: none"> • Plenary meeting: report of the Meeting of Women Parliamentarians and continuation of the General Debate
Saturday 1 st April 2000	9 a.m. to 1 p.m. and 3 p.m. to 6 p.m.	<ul style="list-style-type: none"> • Plenary meeting: continuation of the General Debate
Sunday 2 April 2000	9 a.m. to 1 p.m. and 3 p.m. to 6.30 p.m.	<ul style="list-style-type: none"> • Meeting of the three drafting committees (one committee for each basket, membership unlimited) • Coordinating Committee (preamble and follow-up to the process) <p align="right">(in closed session)</p>
Monday 3 April 2000	9 a.m. to 1 p.m.	<ul style="list-style-type: none"> • Plenary meeting: submission of the drafting committees' reports • Finalisation of the draft Final Document by the Coordinating Committee <p align="right">(in closed session)</p>
	5 p.m. to 6 / 6.30 p.m.	<ul style="list-style-type: none"> • Plenary meeting: report of the Coordinating Committee and adoption of the Final Document • Close of the Conference

Provisional agenda

1. Election of the President of the Conference and appointment of the Vice-Presidents
2. Adoption of the agenda
3. Adoption of the Rules of the Conference
4. Appointment of the chairpersons and rapporteurs of the three drafting committees as well as a General Rapporteur of the Conference
5. Strengthening security and developing cooperation in the Mediterranean:
 - (a) Regional stability: *political and military aspects of security*

- (b) Co-development and partnership: *cooperation and partnership in the economic, social, scientific and environmental fields*
 - (c) Dialogue among civilisations and human rights: *mutual respect, cultural cooperation and the human dimension*
 - (d) Follow-up measures and future action
6. Consideration of the report of the Coordinating Committee and adoption of the Final Document
 7. Close of the Conference

Participation

A. Main participants (6 delegates including at least one woman)

The National Groups of the Mediterranean coastal States:

Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Yugoslavia

B. Associate participants

- (a) The National Groups of the Russian Federation, the United Kingdom and the United States of America (2 delegates)
- (b) Palestine (6 delegates including at least one woman)
- (c) Parliamentary Assembly of the Council of Europe, Assembly of the Western European Union, Parliamentary Assembly of the OSCE, Maghreb Consultative Council, European Parliament, Arab Inter-Parliamentary Union, Parliamentary Assembly of the Black Sea for Economic Co-operation (2 delegates)

C. Observers (1 delegate)

- (a) Other IPU members wishing to observe the work of the Conference
- (b) The United Nations and UN Specialised Agencies directly concerned, the Secretariat of the OSCE, the International Organization for Migration (IOM) and the Parliamentary Association for Euro-Arab Co-operation

Rules of the Conference (The draft rules as approved are not reproduced in this brochure)

Special guests: the Secretary General of the League of Arab States, and the High Representative for the Common Foreign and Security Policy of the European Union.

Preparation of the Final Document of the IIIrd CSCM: The parties to the process requested that written technical contributions on a number of key issues be sent to them in advance by the Secretary General. The main items selected include water, migration, the dialogue among cultures and civilisations and development cooperation. The Parties to the Process agreed to submit their substantive contributions to the Final Document of the IIIrd CSCM to the Secretary General by 15 January 2000. The Secretary General will prepare a preliminary draft of the Final Document on the basis of these contributions, the above-mentioned technical studies and the Final Documents of the Ist and IInd CSCMs, and on the reports of the three thematic preparatory meetings of the IIIrd CSCM. The Secretary General's document will be sent to the Coordinating Committee and all parties to the process at the latest 15 days before the opening of the Conference. It will be submitted to the CSCM Coordinating Committee (which is acting as the Preparatory Committee for the IIIrd CSCM) for revision on the day before the opening of the IIIrd CSCM, i.e. 30 March 2000. The draft produced by the Committee will be submitted to the participants as the basic working document of the Conference. The Committee will finalise it on the last day of the Conference as foreseen in the work programme.

**MODALITIES FOR THE CONFERENCE OF PRESIDING OFFICERS
OF NATIONAL PARLIAMENTS AT UN HEADQUARTERS IN 2000
New York, UN Headquarters, 30 August to 1 September 2000**

*Approved by the Council of the Inter-Parliamentary Union at its 165th session
(Berlin, 16 October 1999)*

1. The Conference of Presiding Officers of National Parliaments is organised by the Inter-Parliamentary Union in co-operation with the United Nations and will take place in conjunction with the UN Millennium Assembly.

Place and date for the Conference

2. The Conference will meet in the UN General Assembly Hall on the eve of the Millennium Summit during the afternoon of Wednesday, 30 August, and all day on Thursday, 31 August, and Friday, 1 September 2000.

Participation

3. Invitations will be addressed to the Presiding Officers of National Parliaments, including the Presiding Officers of both chambers in the case of bicameral parliaments.

4. All parliaments that are members of the Inter-Parliamentary Union will be invited to the conference as will those other national assemblies "which, according to domestic law, are endowed as a minimum with power to legislate and oversee the Executive."^{*}

Observers

5. The Presiding Officers of the Palestinian Legislative Council and the Palestinian National Council will be invited as observers to the Conference.

6. The Presidents of international parliamentary assemblies that are associate members of the IPU as well as those of the official parliamentary assemblies and organisations that enjoy observer status at IPU's meetings will also be invited as observers (see list below).

7. The UN Secretary-General, Mr. Kofi Annan, has accepted the invitation to attend the Conference and address the opening ceremony. The President of the UN General Assembly will also be invited. Moreover, the heads of UN organisations and departments as well as Bretton Woods institutions that have a close working relationship with the IPU will be invited to observe the Conference (see list below).

8. Finally, it will also be possible for representatives of UN Member States that do not have a parliament to observe the Conference.

* Definition of a parliament adopted by the IPU Council in 1993.

Seating arrangements and size of delegations

9. The General Assembly Hall is arranged in sections of 12 seats - six at the table with six behind. According to UN practice, two delegations share the available seats in each section. In order to ensure seating for all delegations at the Conference of Presiding Officers, it is suggested that the IPU follow the same practice. Each delegation will then have six seats, three at desks in the first row and three in the second row.

10. Each delegation, including those from bicameral parliaments, should therefore not normally exceed five persons, including the Presiding Officer(s), which would leave one seat for the Ambassador in New York should he or she wish to accompany the delegation.

11. The country that will be seated in the front row will be determined by a drawing of lots, and all other delegations will follow in alphabetical order. The observers will be seated behind the parliamentary delegations.

Speaking rights

12. Only Presiding Officers (and some Presidents of Parliamentary Assemblies) will have speaking rights at the Conference.

13. The Conference will last for two-and-a-half days; there will be five sittings of three hours each. The opening and closing ceremonies will last for approximately one hour, leaving 14 hours or 840 minutes for the general debate.

14. On the basis of initial estimates of attendance, each Presiding Officer will be given five minutes' speaking time, which corresponds to the time that the UN General Assembly allots for the highest level of each governmental delegation at its special Summits. The President of the Conference will enforce this rule strictly.

15. In instances where the Presiding Officers of each Chamber in a bicameral parliament attend the Conference, both of them will be able to address the Conference. In that case, they will be able to share eight minutes' speaking time.

16. Should it emerge later when parliaments have responded to the invitation that the total meeting time will not be sufficient to allow all Presiding Officers to speak, it will be possible to add an extra sitting in the evening of 31 August.

17. Any speeches that are not delivered can eventually be included in the record and subsequently published.

18. The UN Secretary-General will deliver a key-note address at the inaugural ceremony and the President of the UN General Assembly will also be given an opportunity to speak at the Conference.

19. The Presiding Officer of the Palestinian Legislative Council or the Palestinian National Council will be able to speak at the Conference for a maximum of three minutes.

20. The President of the official parliamentary assemblies that are associate members of the IPU will likewise be given a speaking time of three minutes. Moreover, since the Africa, Arab, Asia-Pacific and Euro-Asia regions have no international parliamentary assembly that is also an associate member of the IPU, they will each be invited to designate one official parliamentary assembly with observer status at the IPU that will be given similar speaking rights.

List of speakers

21. Each parliament must indicate in writing to the IPU Secretariat by 15 July at the latest the sitting at which the Presiding Officer(s) would like to speak and give at least two options. The IPU Secretariat will subsequently establish the order of speakers by taking into account, as far as possible, the wish expressed by the participants. The list will be established on a "first come, first served" basis. The list of speakers will then be communicated to the participating parliaments.

President of the Conference and Conference proceedings

22. The President of the IPU Council will preside over the inaugural and closing ceremonies and will be joined on the podium by the Secretary-General of the United Nations and the Secretary General of the Inter-Parliamentary Union.

23. The plenary debate will be chaired by Presiding Officers from different geographical regions who will be nominated by the Preparatory Committee at its third meeting.

Adoption of the Conference Declaration

24. At its third meeting, the Preparatory Committee will elect one of its members as a Rapporteur to present the draft Declaration to the Conference. The Declaration will subsequently be adopted without a formal vote at the end of the Conference.

Steering Committee

25. The Preparatory Committee will designate a Steering Committee composed of six of its members based on the principle of balanced geopolitical representation. The Committee will assist the President of the Conference in matters relating to procedure. The Steering Committee will meet on the morning of 30 August 2000 in New York before the opening of the Conference. If need be, it can also meet in the mornings of 31 August and 1 September. The composition of this Committee will also be decided at the Committee's third meeting.

Documents

26. The only documents of the Conference will be the Rules of the Conference, the draft Declaration prepared by the Preparatory Committee, the list of delegates and the Daily Journal on the proceedings of the Conference. The Conference Rules and the draft Declaration will be prepared and distributed in the six official languages of the United Nations, while the list of delegates and the Daily Journal will be distributed only in the two working languages of the IPU - English and French.

27. Delegations wishing to distribute other documents should use two counters that are located on either side of the General Assembly Hall for this purpose. In this connection, it is recalled that no reproduction service will be available for delegates on this occasion.

Interpretation

28. Interpretation will be provided in the six official languages of the United Nations.

Official functions

29. The IPU will host a reception for delegates on the evening of Thursday, 30 August 2000.

Various facilities for delegations

30. The UN Secretariat will act as host on the premises of the UN and will make the usual facilities available to delegates during the session (bank, restaurant, coffee bar, medical service, post office, travel agency).

31. However, as regards the facilities traditionally provided at IPU meetings held at the invitation of a member Parliament (particularly the reception of delegates on their arrival, their transportation and the reservation of hotel accommodation), delegations may wish to contact their Permanent Missions in New York for assistance with these matters. All countries represented at the Inter-Parliamentary Union have such Missions in New York, which will be informed of the holding of the Conference of Presiding Officers of National Parliaments. Most Missions are used to receiving national delegations to UN meetings and to handling hotel reservations for them, and many have signed agreements with hotels.

32. Moreover, the IPU has a Liaison Office in New York whose services are also available to delegates in case they require additional assistance.

Visas

33. All delegates must have valid visas for entry into the United States of America. Representatives of countries that do not have diplomatic relations with the United States of America will have to approach the United States Mission in New York either directly or through their Permanent Missions. The United States Mission will be notified accordingly.

Security

34. Security at United Nations Headquarters is the responsibility of the UN, which will apply its own regulations in this respect. The Permanent Missions in New York are accustomed to dealing with the relevant UN Department on such matters.

**PARLIAMENTARY ASSEMBLIES THAT ARE ASSOCIATE MEMBERS OF THE IPU
OR THAT HAVE OBSERVER STATUS AT IPU MEETINGS**

Associate Members

Andean Parliament
Central American Parliament
European Parliament
Latin American Parliament
Parliamentary Assembly of the Council of Europe

Observers

Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Organization (AIPO)
Asian and Pacific Parliamentarians' Union
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of European Parliamentarians for (Southern) Africa (AWEPA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Consultative Council of the Arab Maghreb Union
Inter-Parliamentary Assembly of the Commonwealth of Independent States
Inter-Parliamentary Council against Antisemitism
Nordic Council
Parliamentary Assembly of the Black Sea Economic Co-operation
Parliamentary Assembly of the OSCE
Parliamentary Association for Euro-Arab Co-operation (PAEAC)
Union of African Parliaments (UAP)

**PROGRAMMES AND AGENCIES OF THE UNITED NATIONS SYSTEM
INVITED TO OBSERVE THE CONFERENCE**

United Nations
United Nations High Commissioner for Human Rights
United Nations Children's Fund (UNICEF)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Development Programme (UNDP)
United Nations Development Fund for Women (UNIFEM)
United Nations Environment Programme (UNEP)
World Food Programme (WFP)
United Nations High Commissioner for Refugees (UNHCR)
International Labour Organization (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
World Health Organization (WHO)
World Bank (IBRD)
International Monetary Fund (IMF)
World Intellectual Property Organization (WIPO)
International Fund for Agricultural Development (IFAD)
International Atomic Energy Agency (IAEA)

BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2000

*Budget approved without a vote by the Council of the Inter-Parliamentary Union
at its 165th session
(Berlin, 16 October 1999)*

Expenditure Heading	Swiss Francs
1. Statutory sessions	1'785'000.00
2. Special conferences and similar meetings	545'000.00
3. Committees/working groups	148'000.00
4. Special programme activities	310'000.00
5. Information and publications	192'000.00
6. Library acquisitions	30'000.00
7. United Nations Liaison Office in New York	245'000.00
8. Duty travel and representation	75'000.00
9. Council President's representation allowance	30'000.00
10. Permanent staff	5'740'000.00
11. Temporary staff and external services	100'000.00
12. Headquarters premises	150'000.00
13. Office supplies, equipment and communication	600'000.00
14. Miscellaneous charges	15'000.00
15. Subvention to ASGP	116'000.00
16. Replenishment of reserves	234'000.00
TOTAL	10'315'000.00

Income Heading	Francs suisses
1. Contributions from member Parliaments	9'885'000.00
2. Sale of publications	15'000.00
3. Administrative fees from extra-budgetary projects	60'000.00
4. Transfer from the conference cost compensation account	300'000.00
5. Carry-over of 1999 budgetary allocations	50'000.00
6. Sundry income	5'000.00
TOTAL	10'315'000.00

**TABLE OF CONTRIBUTIONS
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2000**

*Table approved without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)*

Members and Associate Members	Percentage	Amount of the contribution for 2000 (Swiss Francs)
Albania	0.20	19'111.--
Algeria	0.33	31'533.--
Andorra	0.20	19'111.--
Angola	0.20	19'111.--
Argentina	0.69	65'932.--
Armenia	0.26	24'844.--
Australia	1.50	143'330.--
Austria	0.84	80'265.--
Azerbaijan	0.35	33'444.--
Bangladesh	0.20	19'111.--
Belarus	0.48	45'866.--
Belgium	1.11	106'064.--
Benin	0.20	19'111.--
Bolivia	0.20	19'111.--
Bosnia and Herzegovina	0.23	21'977.--
Botswana	0.20	19'111.--
Brazil	1.57	150'019.--
Bulgaria	0.30	28'666.--
Burkina Faso	0.20	19'111.--
Burundi	0.20	19'111.--
Cambodia	0.20	19'111.--
Cameroon	0.20	19'111.--
Canada	2.89	276'149.--
Cape Verde	0.20	19'111.--
Chile	0.26	24'844.--
China	0.86	82'176.--
Colombia	0.30	28'666.--
Congo	0.20	19'111.--
Costa Rica	0.20	19'111.--
Côte d'Ivoire	0.20	19'111.--
Croatia	0.29	27'710.--
Cuba	0.27	25'799.--
Cyprus	0.21	20'066.--
Czech Republic	0.50	47'777.--

(continued)

Members and Associate Members	Percentage	Amount of the contribution for 2000 (Swiss Francs)
Democratic People's Republic of Korea	0.23	21'977.--
Denmark	0.75	71'665.--
Djibouti	0.20	19'111.--
Ecuador	0.22	21'022.--
Egypt	0.25	23'888.--
El Salvador	0.20	19'111.--
Estonia	0.25	23'888.--
Ethiopia	0.20	19'111.--
Fiji	0.20	19'111.--
Finland	0.69	65'932.--
France	5.39	515'033.--
Gabon	0.20	19'111.--
Georgia	0.29	27'710.--
Germany	7.93	757'739.--
Ghana	0.20	219'111.--
Greece	0.49	46'821.--
Guatemala	0.21	20'066.--
Guinea	0.20	19'111.--
Hungary	0.35	33'444.--
Iceland	0.22	21'022.--
India	0.50	47'777.--
Indonesia	0.33	31'533.--
Iran (Islamic Republic of)	0.86	82'176.--
Iraq	0.30	28'666.--
Ireland	0.35	33'444.--
Israel	0.39	37'266.--
Italy	3.91	373'614.--
Japan	10.55	1'008'088.--
Jordan	0.20	19'111.--
Kazakhstan	0.45	42'999.--
Kenya	0.20	19'111.--
Kuwait	0.41	39'177.--
Kyrgyzstan	0.22	21'022.--
Lao People's Democratic Republic	0.20	19'111.--
Latvia	0.28	26'755.--
Lebanon	0.20	19'111.--
Liberia	0.20	19'111.--

(continued)

Members and Associate Members	Percentage	Amount of the contribution for 2000 (Swiss Francs)
Libyan Arab Jamahiriya	0.40	38'221.--
Lithuania	0.30	28'666.--
Luxembourg	0.24	22'933.--
Malawi	0.20	19'111.--
Malaysia	0.30	28'666.--
Mali	0.20	19'111.--
Malta	0.20	19'111.--
Marshall Islands	0.20	19'111.--
Mauritania	0.20	19'111.--
Mauritius	0.20	19'111.--
Mexico	0.95	90'776.--
Monaco	0.20	19'111.--
Mongolia	0.20	19'111.--
Morocco	0.22	21'022.--
Mozambique	0.20	19'111.--
Namibia	0.20	19'111.--
Nepal	0.20	19'111.--
Netherlands	1.49	142'375.--
New Zealand	0.40	38'221.--
Nicaragua	0.20	19'111.--
Nigeria	0.30	28'666.--
Norway	0.67	64'021.--
Pakistan	0.24	22'933.--
Panama	0.20	19'111.--
Papua New Guinea	0.20	19'111.--
Paraguay	0.20	19'111.--
Peru	0.24	22'933.--
Philippines	0.25	23'888.--
Poland	0.60	57'332.--
Portugal	0.36	34'399.--
Republic of Korea	0.79	75'487.--
Republic of Moldova	0.30	28'066.--
Romania	0.34	32'488.--
Russian Federation	5.50	525'544.--
Rwanda	0.20	19'111.--
San Marino	0.20	19'111.--
Senegal	0.20	19'111.--

(continued)

Members and Associate Members	Percentage	Amount of the contribution for 2000 (Swiss Francs)
Singapore	0.30	28'666.--
Slovakia	0.28	26'755.--
Slovenia	0.27	25'799.--
South Africa	0.54	51'599.--
Spain	1.91	182'507.--
Sri Lanka	0.20	19'111.--
Sudan	0.20	19'111.--
Suriname	0.20	19'111.--
Sweden	1.15	109'886.--
Switzerland	1.20	114'664.--
Syrian Arab Republic	0.23	21'977.--
Tajikistan	0.21	20'066.--
Thailand	0.29	27'710.--
The FYR of Macedonia	0.20	19'111.--
Togo	0.20	19'111.--
Tunisia	0.22	21'022.--
Turkey	0.43	41'088.--
Uganda	0.20	19'111.--
Ukraine	0.60	57'332.--
United Arab Emirates	0.37	35'355.--
United Kingdom	4.54	433'812.--
United Republic of Tanzania	0.20	19'111.--
United States of America	15.00	1'433'301.--
Uruguay	0.23	21'977.--
Uzbekistan	0.37	35'355.--
Venezuela	0.62	59'243.--
Viet Nam	0.20	19'111.--
Yemen	0.20	19'111.--
Yugoslavia	0.33	31'533.--
Zambia	0.20	19'111.--
Zimbabwe	0.20	19'111.--
Andean Parliament	0.02	1'911.--
Central American Parliament	0.01	956.--
European Parliament	0.10	9'555.--
Latin American Parliament	0.02	1'911.--
Parliamentary Assembly of the Council of Europe	0.06	5'733.--
TOTAL		9'885'000.--

**RESULTS OF THE PARLIAMENTARY SEMINAR ON RELATIONS
BETWEEN MAJORITY AND MINORITY PARTIES IN AFRICAN PARLIAMENTS**

(Libreville, 17-19 May 1999)

Rapporteur : Mr. G. Nzouba-Ndama (Gabon)

*Report of which the Council of the Inter-Parliamentary Union took note at its 165th session
(Berlin, 16 October 1999)*

1. In conformity with the decision taken by the Inter-Parliamentary Council at its 163rd session held in Moscow (Russian Federation) in September 1998, the Parliamentary Seminar on Majority and Minority Parties in African Parliaments took place in Libreville (Gabon) from 17 to 19 May 1999, at the invitation of the Parliament of the Republic of Gabon.
2. The seminar, organised in co-operation with the United Nations Development Programme at the request of African parliaments, provided an opportunity for African parliamentarians to exchange views and experiences on the issue of the relationship between governing and opposition parties. In particular, they reviewed the current relationship between the two sides, the obstacles to harmonious interaction and ways and means of improving such interaction with a view to the smooth conduct of parliamentary business. The overall objective was to contribute to the better functioning of parliaments in Africa so that they can in turn participate more effectively in the improvement of democracy and good governance as the foundations for a legal framework conducive to development.
3. The seminar brought together over 200 participants representing various sub-regions of Africa and both governing and opposition parties. The parliaments of the following countries were represented: Algeria, Angola, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Congo, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Gambia, Ghana, Lesotho, Mauritania, Morocco, Namibia, Sao Tomé and Príncipe, Senegal and Zambia. In addition, the following international organisations were represented: United Nations Development Programme, Union of African Parliaments, United Nations Economic Commission for Africa and Organisation of African Unity. Six resource persons representing in equal numbers the governing and opposition parties in two European and four African parliaments made presentations and led the discussion on the different topics on the agenda.
4. Apart from the contribution of the host Parliament, the seminar was entirely funded by external resources made available under the IPU/UNDP Parliamentary Support Programme.
5. A preparatory meeting, chaired by Mr. Guy Nzouba-Ndama, President of the National Assembly of Gabon, was held on the afternoon of 16 May 1999, at which arrangements for the conduct of the proceedings of the seminar were finalised. The meeting was also attended by the Secretary General of the IPU and the resource persons.

6. The inaugural ceremony took place on 17 May 1999 under the chairmanship of Mr. Didjob Divungi Di Ndinge, Vice-President of the Republic of Gabon, and in the presence of the Prime Minister of the Republic of Gabon. During the ceremony, speeches were delivered (in order) by the President of the National Assembly of Gabon, the UNDP Resident Representative in Gabon, the Secretary General of the Inter-Parliamentary Union and the Vice-President of the Republic of Gabon.

7. At the first meeting following the inaugural ceremony, Mr. Guy Nzouba-Ndama was unanimously elected President of the seminar. The leaders of the other delegations were elected Vice-Presidents.

8. The items on the agenda of the seminar included:

- Review of the present state of relations between governing and opposition parties in Africa;
- The respective roles and responsibilities of governing and opposition parties;
- The rights and obligations of the opposition;
- The relationship between the Executive and an opposition-dominated legislature;
- The particular situation of independents and the fate of members who change party allegiance after elections.

9. The discussions on these items were introduced and led by the following resource persons: Mr. Cyril Ndebele (Speaker of the National Assembly of Zimbabwe); Mr. Joseph Gnonlonfoun (Minister of Justice, Benin); Mrs. Viola Furubjelke (Chair of the Foreign Affairs Committee of the Swedish Parliament); Mr. Raila Odinga (Chairman of the National Development Party of Kenya); Mr. Yawovi Agboyibo (President of the Comité d'Action pour le Renouveau du Togo); and Mr. Guy Carcassonne (Professor at the University of Paris X and former Adviser to the former Prime Minister of France, Mr. Michel Rocard).

10. At the end of the proceedings, the President of the seminar presented a report summarising the main conclusions of the seminar. The participants unanimously adopted the Libreville Declaration condemning recent developments in the Comoros, Guinea Bissau and Niger, where democratic processes had suffered a setback. They also unanimously adopted Guidelines on the Rights and Duties of the Opposition in Parliament.

GUIDELINES ON THE RIGHTS AND DUTIES OF THE OPPOSITION IN PARLIAMENT

The representatives of African Parliaments meeting in Libreville from 17 to 19 May 1999 on the occasion of the *Parliamentary Seminar on Relations Between Majority and Minority Parties in African Parliaments*, organised by the Inter-Parliamentary Union in co-operation with the United Nations Development Programme and at the invitation of the Parliament of Gabon, have drawn up the following guidelines for the rights and duties of the opposition in parliament.

They express the hope that these guidelines, inspired by the general principles of democracy and human rights and by national practise and experience in the countries represented, can be completed on the occasion of other similar seminars in other parts of the world, so that the Inter-Parliamentary Union may work out a comprehensive international reference text on the opposition both inside and outside parliament. In this context, they ask that this document be brought to the attention of the Council of the Inter-Parliamentary Union on the occasion of the Berlin Inter-Parliamentary Meetings (10-16 October 1999).

Pending the adoption by the Inter-Parliamentary Union of a more complete document on the opposition in parliament, the seminar participants express the hope that States, and more particularly the African States, will draw inspiration, each according to its local realities, from the following guidelines to draft rules governing the functioning of their parliamentary assemblies.

I. INTRODUCTION

1. Enjoyment of democracy is a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of polity. It is founded on the right of everyone to take part in the management of public affairs.⁴

2. Democracy is an inclusive process in which all citizens, men and women representing all political and social forces in the country, can take part. In the political context, this means that it must be possible for the opposition - i.e. those political parties or groups and individuals who do not form part of the governmental majority - to participate in a meaningful manner in the democratic process.

3. The Inter-Parliamentary Union should consider developing a comprehensive statement, setting out the rights and duties of the opposition. This work should be based on established principles enshrined in the *Universal Declaration of Human Rights* (United Nations, 1948), the *International Covenant on Civil and Political Rights* (United Nations, 1966), the *Declaration on Criteria for Free and Fair Elections* (Inter-Parliamentary Union, 1994) and the *Universal Declaration on Democracy* (Inter-Parliamentary Union, 1997) This latter document stipulates among other things that:

⁴ Universal Declaration on Democracy, Articles 1 and 11, Inter-Parliamentary Union, 1997.

- *"Democracy aims essentially to preserve and promote the dignity and fundamental rights of the individual, to achieve social justice, foster economic and social development of the community, strengthen the cohesion of society and enhance national tranquillity, as well as create a climate that is favourable for international peace. As a form of government, democracy is the best way of achieving these objectives; it is also the only political system that has the capacity for self-correction."* (Article 3)
- *The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences."* (Article 4)
- *"A state of democracy ensures that the processes by which power is acceded to, wielded and alternates allow for free political competition and are the product of open, free and non-discriminatory participation by the people, exercised in accordance with the rule of law, in both letter and spirit."* (Article 5). *"The key element in the exercise of democracy is the holding of free and fair elections at regular intervals enabling the people's will to be expressed. (...)"* (Article 12)
- *"Democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action."* (Article 11)
- *"Public life as a whole must be stamped by a sense of ethics and by transparency, and appropriate norms and procedures must be established to uphold them."*(Article 15)
- *"Individual participation in democratic processes and public life at all levels must be regulated fairly and impartially and must avoid any discrimination, as well as the risk of intimidation by State and non-State actors."* (Article 16)
- *"A sustained state of democracy requires a democratic climate and culture constantly nurtured and reinforced by education and other vehicles of culture and information. Hence, a democratic society must be committed to education in the broadest sense of the term, and more particularly civic education and the shaping of a responsible citizenry."* (Article 19)
- *"The state of democracy presupposes freedom of opinion and expression; this right implies freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."* (Article 21)

II. THE OPPOSITION IN PARLIAMENT

4. Parliament is the institution that embodies society in the diversity of its composition and its opinions and which relays and channels this diversity in the political process. Its vocation is to regulate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity. Its role is to legislate, *inter alia* by allocating financial resources, and oversee the action of the Executive.

5. Parliament must accommodate the participation of all people in homogeneous as well

as heterogeneous societies in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance. Hence the importance of political forces and individuals representing the opposition being able to participate in the work of the parliament. This will require recognition of and respect for human rights in general as well as for their specific rights and duties.

6. The opposition in parliament is a necessary and indispensable component of democracy. For it to be effective, however, the government and society at large must accept the essentials of parliamentary democracy. The primary function of the opposition is to offer a credible alternative to the majority in power. Moreover, by overseeing and criticising the action of the government, it works to ensure transparency, integrity and efficiency in the conduct of public affairs and to prevent abuses by the authorities and individuals, thereby ensuring the defence of the public interest. Indeed, the opposition contributes to the promotion and defence of human rights and fundamental freedoms, thus helping to ensure that democracy functions properly.

III. THE RIGHTS OF THE OPPOSITION IN PARLIAMENT

7. Just like members of parliament who are part of the government majority, members of the opposition require full respect for basic rights. For example, they must all be able to enjoy the right to life and therefore, in their political activities, be shielded from any measure which would infringe upon their personal integrity or harm their property. If circumstances so require, the State must provide them with personal protection on equal terms with the representatives of the majority.

8. Similarly, respect for freedom of expression and information is essential to members of parliament and particularly those who belong to the opposition to permit them to carry out their parliamentary duties. Representatives of the opposition must be able to denounce freely in Parliament and before public opinion the abuses which they have noticed or which have been brought to their attention by their constituents, and to act with a view to their remedy. The opposition must also enjoy fair access, on equal terms with the majority, to State media in order to disseminate its views, criticise the government's action and propose alternatives to the government's solutions.

9. While these (and other) essential rights are already enshrined in national laws, members of parliament, particularly those belonging to the opposition, need to benefit from additional prerogatives to enable them to work with the government majority as well as to monitor the action of the government and to criticise it whenever necessary. These are listed below and should be codified in an appropriate form through constitutional norms and/or parliamentary procedures.

III.1 Possibility for the opposition in parliament to contribute to the democratic process on equal terms with the majority

- Parliament should be consulted by the government on important questions involving the life of the nation: threat of civil war, risk of foreign invasion or war, military interventions abroad, etc. This will enable the opposition to take part in the debate and provide its input to the decision-making process. The opposition must also be able to raise matters regarding the Constitution with a view to its amendment.
- The opposition shall be entitled to criticise any dysfunctioning of the courts or the Executive. It shall be entitled to inquire about presumed human rights violations and to call for remedial action.

III.2 Organisation of parliamentary work

- When setting up the governing body of Parliament (Board), an effort must be made to reflect the political composition of the assembly. If there are vice-presidents, a fair share of these posts must be set aside for opposition MPs who, in alternation with majority MPs, shall preside over the assembly's sittings.
- Political (parliamentary) groups may be formed freely, subject to the minimum number of members for each group as established by law. Each parliamentary group, from the majority and the opposition alike, shall have funds allocated to it enabling it to recruit its own staff and shall be entitled to the use of premises for meetings in the Parliament.
- The opposition shall be entitled to be represented, proportionate to its numbers, on each parliamentary committee and sub-committee.
- The opposition shall be entitled to a number of standing committee chairmanships proportionate to its numbers. The chairmanship of the committee responsible for budgetary matters shall go *ex officio* to the opposition.
- The opposition must be represented in any select committee competent to exercise oversight over secret activities, regardless of their nature.

III.3 Functioning of parliament

- In order to ensure equality of treatment between members of the governing majority and opposition parties, the Speaker (Presiding Officer) of Parliament must be impartial in exercising his or her functions.
- All parliamentarians, from the majority and the opposition alike, are equally entitled to receive in a timely manner the same information from the government, except on internal party matters.
- Equally, all parliamentarians from the majority and the opposition should receive information upon request from a specific information and research service set up within parliament to this effect.
- All parliamentarians shall be equally entitled to submit bills and amendments.
- All parliamentarians shall be equally entitled to put written and oral questions to the members of the government and to receive answers to these questions. The opposition shall be entitled to speaking time proportionate to its numbers in sittings set aside for oral questions.
- The agenda for a predefined number of sittings during the parliamentary sessions shall *ex officio* be chosen freely by the assembly itself. In the assembly, the decision shall lie *ex officio* with each parliamentary group, on a rotating basis.
- Each parliamentary group shall be entitled, at intervals fixed following consultations, to have a commission of inquiry established on the subject of its choice. In this case, the opposition shall be represented thereon.
- The opposition shall be empowered to seize, if it exists, the judicial body entrusted with determining the constitutionality of laws.

III.4 Material resources

- When State funding is possible, the opposition should benefit therefrom on a fair and non-discriminatory basis vis-à-vis the majority.

- The opposition shall be entitled to equal access to the material and technical resources and other facilities made available to parliament for the accomplishment of its missions.

III.5 Parliamentary privileges and immunities

- Parliamentary privileges must be clearly defined and established by law. By guaranteeing parliamentarians absolute protection from prosecution for all acts carried out as part of their parliamentary function and for all words spoken and votes cast in parliament, it permits MPs - from the majority and the opposition alike - to fulfil the mandate entrusted to them by their constituents without fear of any retaliatory measures on account of their positions.
- If the parliamentary system in force so provides, parliamentary immunities must also be clearly established by law. These immunities are not meant to place Members of Parliament above the law, but to protect them from possible groundless proceedings or accusations that may be politically motivated. The grounds and terms for lifting of immunity must be clearly specified by law so that this may only occur following a decision taken by the competent body on a non-partisan basis.

IV. DUTIES OF THE OPPOSITION

10. The opposition in parliament has a duty to offer voters a credible alternative to the government in office to make the majority accountable. To be a credible alternative, however, the opposition must also be ready to exercise the responsibilities to which it aspires on a lasting basis. In other words, it must have a programme which it is ready to implement. In democracy, political life is enriched by free competition of political programmes; it is impoverished by rivalry based on personal ambitions which merely disqualifies it in the eyes of public opinion.

11. Moreover, the opposition in parliament must show itself to be responsible and be able to act in a statesmanlike manner. It must engage in constructive and responsible opposition by making counter-proposals. In its action, the opposition must not seek to hinder pointlessly the action of the government but rather endeavour to encourage it to improve such action in the general interest.

12. The duties of the opposition are by their very nature defined by political and behavioural rules; not by constitutional norms or parliamentary texts. The duties therefore do not require codification. What is required is for the members of the opposition - like all Members of Parliament - to exercise their responsibilities with due respect for the Constitution and the laws in force. They must, of course, refrain from advocating violence as a means of political expression. Indeed, their action must be in keeping with a spirit of mutual tolerance and a quest for dialogue and concerted action.

Done in Libreville on 19 May 1999

REPORT OF THE COMMITTEE ON MIDDLE EAST QUESTIONS

Rapporteur: Mr. A. Philippou (Cyprus)

*Report of which the Inter-Parliamentary Council took note at its 165th session
(Berlin, 16 October 1999)*

Views from the representatives of the Arab Groups and of Israel

The core of the Middle East problem remains the Palestinian issue. Present relations between Israel and Palestine justify guarded optimism. The election of the new Government in Israel is a positive step in the quest for peace.

Parliamentary dialogue has improved and formal exchanges of visits by parliamentary delegations from Israel and Palestine have started. These developments should contribute to improved implementation of the peace agreements.

The current peace agreements must be implemented in both letter and spirit. It is imperative that the positive momentum in the peace process be maintained. A broadening of the dialogue to include Syria and Lebanon is a necessary element for a comprehensive agreement. As the process advances, other broader issues would have to be included.

Views and findings of the Committee

The members of the Committee welcomed the further improved spirit of dialogue and cooperation that prevailed throughout the proceedings. Furthermore, they expressed the view that the session had been the most positive to date.

In addition to hearing the views of the parties and reporting to the Inter-Parliamentary Council, the members of the Committee believe that their role includes encouraging the representatives of all parliaments in the region to take concrete action in support of the positive developments currently under way.

Although some positive measures have been taken, problems related to freedom of movement, prisoner release, settlements, water use and distribution remain. These problems require practical action by governments and parliaments in the region. Current discussions in legislative bodies are welcome signs, which the members of the Committee wish to encourage. The members of the Committee wish to be informed of progress in those discussions.

The members of the Committee call for the participation of Syria and Lebanon and a more comprehensive representation of Israel and Palestine in future sessions as a further contribution to parliamentary action in favour of the peace process.

Members from the Arab Groups and from Israel are urged to inform the Committee at its next session of parliamentary actions and initiatives undertaken to redress outstanding problems and advance the peace process.

**COMMITTEE TO PROMOTE RESPECT FOR
INTERNATIONAL HUMANITARIAN LAW**

Rapporteur: Mr. J. HUNT (New Zealand)

*Report of activities and recommendations endorsed by the
165th session of the Council of the Inter-Parliamentary Union
(Berlin, 16 October 1999)*

I. BACKGROUND

1. The action that the Inter-Parliamentary Union has taken in the last few years in the area of international humanitarian law (IHL) has enabled it to acknowledge and assert that "*Parliaments and their members can make a decisive contribution to ensuring respect for the rules of international humanitarian law, whether the armed conflict be international or non-international*". That acknowledgement led the IPU Council to set up the Committee in 1995 with the following terms of reference: "*to follow, with the help of the International Committee of the Red Cross (ICRC), the question of respect for international humanitarian law, particularly the status of ratification of international instruments on this question and the implementation of measures at the national level, disseminate information and make observations with a view to promoting respect for international humanitarian law*". At the request of the Council, the Committee has, since the beginning of its work, conducted a survey of parliamentary action to ensure respect for international humanitarian law, on the issue of anti-personnel mines and on the International Criminal Court; the provisional findings of the survey were submitted to the Inter-Parliamentary Council at its 159th session (Beijing, September 1996), its 161st session (Cairo, September 1997) and its 163rd session (Moscow, September 1998).

2. In the light of the survey's findings, the Council decided at its Moscow session to "*extend for four years the mandate of the Committee to enable it to complete the information and its analysis*". The Council's decisions on the matters covered by the survey are reproduced in the relevant sections of the report.

3. The Committee held its fifth session in Berlin on 11 October 1999. Mr. C. Sommaruga, President of the ICRC, addressed the Committee and additional information was provided by representatives of the ICRC, Human Rights Watch and Amnesty International.

II. RESPECT FOR THE RULES OF INTERNATIONAL HUMANITARIAN LAW

4. On this matter, the resolution of the 163rd session of the Council noted that the results of the inquiry so far showed "*relatively little information and action on the part of parliaments as regards questions concerning international humanitarian law*". The Council therefore requested the Committee to prepare, in consultation with the International Committee of the Red Cross (ICRC), "*a Handbook for parliaments and their members to help them in their legislative and other activities to promote the rules of international humanitarian law*", and to submit such a document to the Council at its 164th session (10-16 April 1999).

A. Handbook on international humanitarian law

5. Work to prepare the preliminary draft of a practical Handbook for MPs on issues pertaining to the rules of international humanitarian law began in October 1998. The Committee's objectives in producing the Handbook were to provide parliamentarians with an overview of the rules of IHL that would be both complete and concise, and to give them practical advice on how to be better informed and act more effectively, particularly to prevent breaches of the rules and ensure that the perpetrators of such breaches were punished. When it met in Brussels in April 1999, the Committee worked on the draft Handbook but felt that it could only be submitted to the Council at its Berlin session. The Handbook was subsequently finalised during the summer of 1999.

6. The Committee is pleased to present the Handbook entitled "*Respect for International Humanitarian Law*" to the Council in English and in French. It is a product of the unique institutional cooperation that has been developed between the ICRC and the IPU, which wishes to thank the ICRC for its intellectual input that was so essential for the preparation of the practical guide.

7. The Committee welcomes the fact that, owing to a fortunate combination of circumstances, the Handbook is being launched in the year that marks the fiftieth anniversary of the adoption of the Geneva Conventions and concurrently with the debate at the 102nd Inter-Parliamentary Conference on the "*Contribution of parliaments to ensuring respect for and promoting international humanitarian law on the occasion of the fiftieth anniversary of the Geneva Conventions*". It views as a good omen the fact that the launching of the Handbook and the debate are taking place in the capital of reunified Germany just over 50 years after the end of the Second World War and 10 years after the fall of the Berlin wall. Lastly, it welcomes the presence on this occasion of Mr. Cornelio Sommaruga, President of the ICRC. As Mr. Sommaruga is about to complete his term of office, the Committee wishes to pay tribute to him for his unflinching commitment to ensuring respect for IHL and for his impact on ICRC action.

8. The Committee notes with satisfaction that the Handbook has been well received by Members of Parliament participating in the 102nd IPU Conference. Many parliamentarians have even expressed an interest in having Handbooks prepared on other subjects. The Committee expresses the hope that the Handbook will be widely distributed in all parliaments. It trusts that it will also be a useful working tool for all those who work with parliamentarians to promote respect for IHL.

9. On the basis of comments from parliamentary colleagues, the Committee suggests that the following channels be used to ensure the widest possible distribution of the Handbook:

- ▶ Dissemination directly to all national parliaments and governments and also through regional parliamentary assemblies and organisations. The Committee believes that, in addition to the relevant parliamentary committees and the competent ministries, national IHL committees (see description in "Measure 6", pages 62-66 of the Handbook) and other institutions that promote IHL should also be targeted.
- ▶ Presentation and distribution of the Handbook on the occasion of the XXVIIth International Conference of the Red Cross and Red Crescent Movement (31 October - 6 November 1999). In that connection, the Committee recommends that the IPU respond positively to the invitation it received to take part in that Conference, which will bring together States parties to the 1949 Geneva Conventions, Red Cross and Red Crescent societies, their International Federation and the ICRC. It further urges that the presentation of the Handbook on that occasion involve a delegation of the Parliament of the State depository of the Geneva Conventions, Switzerland, as spokespersons of the world parliamentary community. This would be all the more appropriate in the light of the important

Declaration issued by that Parliament on 12 August 1999, stressing the role of parliaments and their members in promoting respect for IHL (Annex I).

10. The Committee further hopes that, thanks to the support of a number of parliaments with which positive preliminary contacts have already been made, the Handbook will shortly be available in Spanish, Arabic, Russian and other languages. As the Handbook will only achieve its purpose if it reaches the widest possible audience, it should be made available in a wide range of languages. It therefore urges all parliaments to make sure that such translations are made, as appropriate, in consultation with the IPU and the ICRC for copyright purposes.

B. Parliamentary action in the field of international humanitarian law

11. In the light of the final content of the resolution of the 102nd IPU Conference on the "*Contribution of parliaments to ensuring respect for and promoting international humanitarian law on the occasion of the 50th anniversary of the Geneva Conventions*", the Committee intends to continue and update its world survey of parliamentary action to promote respect for such law on the basis of a new simplified questionnaire.

12. In the light of the results obtained to date, the Committee is convinced that parliaments and their members should be more closely involved in the work of national IHL committees, either as full members or on a consultative basis. It urges all Parliaments to take action to that end.

III. ANTI-PERSONNEL MINES

13. At its Moscow session, the Council noted the ratification status of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction*, adopted in Ottawa on 4 December 1997. It encouraged the Parliaments of signatory States to "*speed up the ratification procedure so that the Convention may take full effect without delay*" and urged all governments and parliaments to "*take the necessary steps for the adoption of enabling laws and regulations which will ensure full compliance with the Convention*". It reiterated "*its earlier calls to all States and other parties to armed conflict to contribute on an ongoing basis to international landmine clearance efforts*" and encouraged States to "*fund the United Nations Voluntary Trustee Fund for Mine Clearance*". It reiterated its call to the governments and parliaments of the countries concerned to "*take further action to promote mine-awareness programmes (including gender- and age-appropriate programmes), thereby reducing the number and alleviating the plight of civilian victims*". It also reiterated its call to the governments and parliaments of the countries concerned to "*release appropriate resources for the treatment and rehabilitation of landmine victims*". Lastly, it requested the Secretary General of the Union to "*explore the possibility of developing a database on parliamentary action with regard to anti-personnel mines*".

14. Since September 1998, concurrently with the preparation of the Handbook on IHL, the Committee has compiled information on the issue of anti-personnel mines. The attached document presents all the data received to date. It comprises a table showing the status of the information received and comments from parliaments under various broad headings.

15. The Committee considers that the data compiled from the survey to date are extremely informative and that the comments shed valuable light on political approaches and current developments in different countries. However, it sees no need to incur the major expenditure that would be involved in establishing the database envisaged in the Council's resolution. It believes that the information can be disseminated relatively effectively in the form of a document and that there is no particular need to develop a computerised tool. It further notes that several computerised dissemination tools already exist in this field, such as the ICRC Website at (www.icrc.org), and that the Inter-Parliamentary Union would be unable to ensure the necessary

daily updating of the database. It remains ready, however, to respond to any other request by the Council aimed at mobilising parliamentary awareness and facilitating and supporting parliamentary action in this area.

16. The Committee welcomes the fact that the Ottawa Convention entered into force on 1 March 1999, and notes that 87 of the world's 190 States have now ratified it.

**Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and their Destruction
Signature and ratification status, as of 7 October 1999, of the
Convention, which entered into force on 1 March 1999**

85 States that have signed and ratified the Convention: Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chad, Costa Rica, Croatia, Denmark, Djibouti, Dominica, Ecuador, El Salvador, Fiji, France, Germany, Grenada, Guatemala, Guinea, Holy See, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritius, Mexico, Monaco, Mozambique, Namibia, Netherlands, Nicaragua, Niger, Niue, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Kingdom, Venezuela, Yemen and Zimbabwe

2 States that have acceded to the Convention: Equatorial Guinea and The former Yugoslav Republic of Macedonia

48 States that have signed the Convention: Albania, Algeria, Angola, Bangladesh, Botswana, Brunei Darussalam, Burundi, Cameroon, Cape Verde, Chile, Colombia, Cook islands, Côte d'Ivoire, Cyprus, Czech Republic, Dominican Republic, Ethiopia, Gabon, Ghana, Greece, Guinea-Bissau, Guyana, Haiti, Indonesia, Kenya, Lithuania, Maldives, Malta, Marshall Islands, Mauritania, Moldova (Republic of), Philippines, Poland, Romania, Rwanda, Saint Vincent and the Grenadines, Sao Tome and Principe, Seychelles, Sierra Leone, Sudan, Suriname, Tanzania (United Republic of), The Gambia, Togo, Ukraine, Uruguay, Vanuatu and Zambia

17. The Committee notes with great satisfaction that, in the context of the massive campaign against anti-personnel mines, 85 of the 133 States that signed the Ottawa Convention have now deposited instruments of ratification; two States have acceded directly to the treaty. Twenty-nine countries have ratified the Ottawa Convention since the beginning of 1999.

18. The Committee invites parliamentarians from countries that have signed but not yet ratified the Ottawa Convention to take all necessary steps to ensure that the ratification process is initiated and concluded as rapidly as possible. It urges all other States to take steps to accede to the Convention.

19. In addition, the Committee deems it essential that national legislation be adopted to implement the treaty. Such legislation should cover all matters covered by the treaty.

20. In addition, the Committee also encourages States to adhere to the 1980 *Convention on prohibitions or restrictions on the use of certain conventional weapons* and its protocols, particularly the amended Protocol II (1996) on landmines.

21. From a pragmatic point of view, it also considers it crucial:

- ▶ That all States that still have anti-personnel mines reduce their stockpiles until they have been completely eliminated;
- ▶ That the demining process be speeded up wherever mine clearance is essential for the rehabilitation and development of the affected areas;
- ▶ That every effort be made to support and encourage the search for effective new technologies for mine clearance;
- ▶ That, wherever necessary, campaigns to alert the population to the dangers of anti-personnel mines be strengthened;
- ▶ That the campaigns target more specifically those segments of the civilian population that are most commonly affected, namely women and children;
- ▶ That infrastructures and resources for the care and rehabilitation of victims of anti-personnel mines be reinforced and that every effort be made to support and encourage research in this field.

IV. INTERNATIONAL CRIMINAL COURT (ICC)

22. In the resolution adopted in Moscow, the Council expressed the view that the adoption, on 17 July 1998 in Rome, of the Statute of the International Criminal Court marked "the international community's determination to take steps to ensure that the crime of genocide, crimes against humanity, war crimes and the crime of aggression do not go unpunished and that justice is done". It therefore invited "all parliaments and their members to take action to secure the universal ratification of the Statute of the Court at the earliest possible date and to do everything in their power to ensure that the new international tribunal is indeed set up without delay and provided with the means to operate efficiently".

23. The Committee notes that the Statute of the International Criminal Court has been open for ratification since its adoption in Rome on 17 July 1998. The Court will enter into force after 60 States will have ratified the Statute. By October 1999, 88 States had signed the instrument of which four States had ratified it.

24. The Committee believes that there is a need to increase awareness in Parliaments and among its members of the text of the Statute of the Court and of the issues involved with a view to encouraging States that have not yet done so to sign and ratify the Statute. To that effect, it urges that the text of the Statute be brought to the attention of the competent committees in national parliaments, together with all relevant details and documentation. In that connection, it wishes to draw the attention of Parliaments and their members to the attached note by the UN entitled "**Setting the Record Straight; The International Criminal Court**" which seeks to respond to a number of key questions (Annex II).

International Criminal Court

Signature and ratification status, as of 1 October 1999, of the Statute of the Court, adopted on 17 July 1998

4 States have signed and ratified the Court's Statute: Italy (26.07.1999), San Marino (13.05.1999), Senegal (2.02.1999) and Trinidad and Tobago (6.04.1999).

84 States have signed the Court's Statute:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Eritrea, Finland, France, Gabon, Germany, Georgia, Ghana, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Jordan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Monaco, Namibia, Netherlands, New Zealand, Niger, Norway, Panama, Paraguay, Poland, Portugal, Romania, Saint Lucia, Samoa, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, The Gambia, Uganda, United Kingdom, Venezuela, Zambia and Zimbabwe.

25. As per the resolution of the 102nd IPU Conference on the "*Contribution of parliaments to ensuring respect for and promoting international humanitarian law on the occasion of the 50th anniversary of the Geneva Conventions*", the Committee intends to monitor closely the ratification process of the Statute of the Court in the context of its world parliamentary survey of action in the field of IHL.

26. The Committee believes that, as a first essential step, States should be encouraged to undertake necessary amendments or revisions in order to prepare for ratification or, as the case may be, to conform with requirements for the ratification of the Rome Statute.

27. Furthermore, to meet the requirements of complementarity, States should be encouraged to criminalize the acts to be dealt with by the Court, in their national legislation. In addition, States should be encouraged to also criminalize those acts that are covered by the Geneva Conventions and are not encompassed in the ICC Statute.

28. The Committee encourages States not to invoke article 124 (opting-out-clause for war crimes) when ratifying the Statute. The Committee also encourages States to introduce legislation to enhance and maximise co-operation with the ICC.

29. The Committee wishes to underline the need to ensure that, once the ICC comes into being, it is provided with the necessary human and material resources it needs to operate efficiently and stresses that parliaments have a crucial role to play in that regard.

30. As far as the crimes to be addressed by the Court are concerned, the Committee would like to draw attention to the following general explanations provided by the ICRC:

War Crimes, Genocide, Crimes against humanity, Aggression

War crimes

Under Article 8 of the Statute, the ICC has jurisdiction in respect of *war crimes*. These include most of the serious violations of international humanitarian law mentioned in the 1949 Geneva Conventions and their 1977 Additional Protocols, whether committed during international or non-international armed conflicts.

A number of offences are specifically identified as war crimes in the Statute, including:

- I. rape, sexual slavery, enforced prostitution, forced pregnancy or other forms of sexual violence;
- II. using children under the age of 15 to participate actively in hostilities.

Certain other serious violations of international humanitarian law, such as unjustifiable delay in the repatriation of prisoners and indiscriminate attacks affecting the civilian population or civilian objects, which are defined as grave breaches in the 1949 Geneva Conventions and 1977 Additional Protocol I, are not specifically referred to in the Statute.

There are only a few provisions concerning certain weapons whose use is prohibited under various existing treaties, and these do not apply with respect to non-international armed conflicts.

Genocide

The ICC has jurisdiction over the crime of *genocide* under Article 6 of the Statute, which reiterates the terms used in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

This crime is defined in the Statute as any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- I. killing members of the group;
- II. causing serious bodily or mental harm to members of the group;
- III. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- IV. imposing measures intended to prevent births within the group;
- V. forcibly transferring children of the group to another group.

Crimes against humanity

The ICC also has jurisdiction over *crimes against humanity*.

Under Article 7 of the Statute, these crimes comprise any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

- I. murder;
- II. extermination;
- III. enslavement;
- IV. deportation or forcible transfer of the population;

V. imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

VI. torture;

VII. rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

VIII. persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

IX. enforced disappearance of persons;

X. the crime of apartheid;

XI. other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Aggression

As stated in Article 5 (2) of the Statute, the ICC will have jurisdiction over the *crime of aggression* once a provision defining this crime and setting out the conditions for the exercise of such jurisdiction is adopted.

(Unofficial translation)

**Declaration of the Swiss Federal Assembly
concerning the 50th anniversary of the Geneva Conventions**

On 12 August 1949 a Diplomatic Conference, convened by the Federal Council and presided over by Federal Councillor Max Petitpierre, adopted the four Geneva Conventions:

1. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;
2. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;
3. Geneva Convention relative to the Treatment of Prisoners of War;
4. Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Most States in the world (188 States parties in June 1999) are parties to these instruments, whose fiftieth anniversary we are celebrating this year.

Since the Second World War the nature of conflicts has changed. New methods and means of combat have been developed and many players, including non-State entities, have emerged. The post-war period was marked by decolonisation struggles. Nuclear weapons altered relations between powers. International humanitarian law had to, and did, adapt to these changes. On the initiative of the Federal Council, a new Diplomatic Conference was held under the presidency of Federal Counsellor Pierre Graber.

On 8 June 1977, that Conference adopted two Protocols Additional to the Geneva Conventions:

1. The Additional Protocol relating to the Protection of Victims of International Armed Conflicts;
2. The Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts.

To date, these instruments have been ratified by 154 States (Protocol I) and 146 States (Protocol II) As the President of the International Committee of the Red Cross (ICRC) noted, international humanitarian law applying to armed conflicts contains "a set of provisions which, though not perfect, afford a very broad and unequivocal basis for the right of victims of conflicts to assistance and protection."

As members of the Swiss Federal Assembly, Parliament of the Depository State of the Geneva Conventions,

Deeply attached to the pioneering spirit of Henri Dunant, who, in "A Memory of Solferino" called on the Powers to take in and care for sick and wounded soldiers, and called for ambulances, military hospitals and medical personnel to be respected,

Deeply concerned at the violations of international humanitarian law in recent and current conflicts, which are the cause of untold suffering to civilians,

We request the Federal Council:

1. To pursue its efforts to obtain the ratification of the Geneva Conventions and their Additional Protocols by all States, including all the permanent members of the Security Council;
2. To invite States to adopt national measures for the implementation of international humanitarian law;
3. To Invite States to foster knowledge of international humanitarian law among members of the armed forces, security forces and civilians;
4. To remind States of the obligation to do everything in their power to prevent breaches of international humanitarian law and, where such breaches occur, to prosecute and punish them;
5. To call on all States to support the efforts made by the International Committee of the Red Cross to protect and assist of victims of conflict, in accordance with the mandate conferred on it by the Geneva Conventions and their Protocols.

We undertake to:

1. Follow up the actions listed above with representatives of national parliaments who sit on international bodies;
2. Ensure that in such bodies, the respect for and implementation of international humanitarian law are regularly brought to the attention of parliamentarians for their consideration.

We bring this declaration to the attention of the ICRC, to which we pay tribute for its action and for the devotion and courage of its staff.

Bern, 18 June 1999

THE INTERNATIONAL CRIMINAL COURT

*Setting the Record Straight**

In July 1998, 160 nations decided to establish a permanent International Criminal Court to try individuals for the most serious offences of global concern, such as genocide, war crimes and crimes against humanity. The agreement was hailed by United Nations Secretary-General Kofi Annan as "a giant step forward in the march towards universal human rights and the rule of law." But some critics think the ICC will be, at best, an ineffective body, and at worst, a dangerous threat to national sovereignty. This fact sheet addresses some common questions and misconceptions

Why have countries decided to set up an International Criminal Court now?

The UN General Assembly first recognized the need for such a Court in 1948, following the Nuremberg and Tokyo trials after World War II, and it has been under discussion at the UN ever since. But recently, the horrific events in the Former Yugoslavia and Rwanda -- for which ad hoc tribunals were established by the UN Security Council -- spurred international interest in the need for a permanent mechanism to prosecute mass murderers and war criminals. A permanent court would be able to act more quickly than ad hoc bodies, and would serve as a stronger deterrent. The indictment of President Slobodan Milosevic of Yugoslavia by the ad hoc tribunal in June 1999 for crimes against humanity in Kosovo has renewed interest in the key role a permanent court could play.

When and where will the Court be set up?

The Statute of the Court -- which was approved by an unrecorded vote of 120 in favour and 7 against, with 21 abstentions -- will enter into force after 60 countries have ratified it. As of mid-May 1999, 3 countries have ratified the Statute and 82 have signed it, showing their intent to seek ratification, which usually requires the approval of the national legislature. The seat of the Court will be at The Hague, in the Netherlands, but it will be authorized to try cases in other venues when appropriate. Practical arrangements for the Court's operation, such as its Rules of Procedure and Evidence, are to be worked out by a Preparatory Commission by June 2000.

What crimes will the Court try?

Crimes within the jurisdiction of the Court are genocide, war crimes and crimes against humanity, such as widespread or systematic extermination of civilians, enslavement, torture, rape, forced pregnancy, persecution on political, racial, ethnic or religious grounds, and enforced disappearances. The Court's Statute lists and defines all these crimes to avoid ambiguity.

What about crimes of aggression, terrorism and drug trafficking?

There was wide support in Rome for including aggression as a crime, but insufficient time to agree on a precise definition. As a result, the Statute provides that crimes of aggression can be prosecuted by the Court when the States Parties reach agreement at a review conference on the definition, elements and conditions under which the Court will exercise jurisdiction over this crime. Since the Statute states that any agreement must be consistent with the UN Charter, it would require prior determination by the Security Council of an act of aggression.

Although there was considerable interest in also including terrorism and drug crimes in the Court's mandate, countries could not agree in Rome on a definition of terrorism, and some countries felt investigation of drug offences would be beyond the Court's resources. They passed a consensus

* United Nations document updated in October 1998

resolution recommending that States Parties consider inclusion of such crimes at a future review conference.

Will the Court prosecute crimes of sexual violence?

Yes. The Statute includes crimes of sexual violence -- such as rape, sexual slavery and forced pregnancy -- as crimes against humanity when they are committed as part of a widespread or systematic attack directed against any civilian population. They are also war crimes when committed in international or internal armed conflicts.

Why do we need an international court for such crimes? Can't domestic courts take care of them? And what about the International Court of Justice?

National courts will always have jurisdiction. Under the principle of "complementarity", the International Criminal Court will act only when national courts are unable or unwilling. Unfortunately, in some countries, in times of conflict or social and political collapse, there may be no courts capable of dealing properly with these types of crimes. It may also be that the Government in power is unwilling to prosecute its own citizens, especially if they are high-ranking. Since those who commit crimes under the Statute often cross borders, it is necessary for States to be able to cooperate to capture and punish them. The International Criminal Court would provide an option in such cases. The International Court of Justice deals only with disputes between States, not criminal acts by individuals.

Who will decide which cases are brought before the Court?

Cases can be referred to the Court by States. The Court's Prosecutor can also initiate an investigation into a crime that has come to his or her attention. In such cases, the Court could only exercise jurisdiction if the State in whose territory the crime was committed, or the State of the nationality of the accused, is party to the Statute. Cases can also be referred to the Court by the UN Security Council, acting under Chapter VII of the UN Charter. In such cases, because the Council's actions under Chapter VII are of a mandatory nature, the Court could exercise jurisdiction even when neither the State in whose territory the crimes have been committed nor the State of nationality of the accused is a Party.

What's to stop the Court from prosecuting criminals for political motivations?

There are checks and balances built into the process. The Prosecutor cannot even start an investigation without permission from a pre-trial chamber of three judges. The suspect and the States concerned also have the right to challenge investigation by the Prosecutor. In addition, States and the accused can challenge the jurisdiction of the Court or the admissibility of the case at the trial stage. The Prosecutor is obligated to defer to States able and willing to pursue their own investigations. Moreover, the UN Security Council can request the Court to defer investigation or prosecution of a particular case for renewable one-year periods. These measures will ensure that cases are substantial and deserve investigation and prosecution by the Court.

What's to assure that trials before the Court will be fair or even that judges will be qualified?

The Court's Statute establishes the highest international standards and guarantees of due process and fair trial. Judges must meet a number of criteria of outstanding professional competence as well as geographical and gender representation. They will be elected by the States Parties to the Court's Statute -- by no less than a two-thirds majority.

What happens if a criminal evades capture? Won't extradition be a problem?

Based on evidence presented by the Prosecutor, the pre-trial chamber can issue an international arrest warrant obligating all States party to the Court's Statute to arrest that individual. In cases

referred to the Court by the Security Council under Chapter VII of the UN Charter, which gives the Council enforcement powers binding on all countries, the Court would be able to request the Security Council to use those powers to compel cooperation.

Some countries are prevented by their laws from extraditing a war criminal to another country for prosecution. However, during the negotiations for the Court, many countries stated that their extradition laws would not prevent them from delivering a suspect to an international court. Other countries indicated they would change their laws.

Does the Court's Statute violate international law by giving the Court jurisdiction over national forces or members of peacekeeping missions?

No. Under existing international law, the State in whose territory genocide, war crimes or crimes against humanity have been committed or whose citizens are victims of such crimes is legally obligated to investigate and prosecute persons accused of such crimes. Trial by the Court would, in almost all such cases, serve to raise the standard of due process for soldiers accused of war crimes. The Court's Statute does not violate any existing principle of treaty law, nor has it created any entitlements or legal obligations not already existing under international law.

The Court's Statute serves to protect peacekeepers by outlawing attacks against soldiers or UN personnel involved in humanitarian assistance or peacekeeping. Also, it does not affect existing arrangements with respect to UN peacekeeping missions, since troop-contributing countries continue to retain criminal jurisdiction over their own soldiers on such missions.

Can a citizen be prosecuted from a country that is not party to the agreement establishing the Court?

Yes, provided the country where the alleged crimes occurred is a State Party or the UN Security Council refers the case to the Court. However, under the principle of complementarity, the Court will act only if the national court of the accused does not prosecute him or her.

Why are States Parties allowed to withdraw from the treaty for up to seven years?

The intent is to allow a State time to change its national laws or policy to conform to the provisions of the Statute.

CASE N° ARG/20 - RAMÓN EDUARDO SAADI) **ARGENTINA**
CASE N° ARG/21 - CARLOS ANGEL PAVICICH)
CASE N° ARG/22 - Ms. OLINDA MONTENEGRO)
CASE N° ARG/23 - CARLOS LORENZO TOMASELLA)
CASE N° ARG/24 - NICOLAS ALFREDO GARAY)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Ramón Eduardo Saadi, of Argentina, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 163rd session (September 1998),

Having before it the case of Mr. Carlos Angel Pavicich and Ms. Olinda Montenegro in addition to that of Mr. Carlos Lorenzo Tomasella and Mr. Nicolás Alfredo Garay, of Argentina, which has been studied by the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians*", and which the Committee has decided to study jointly with the previous one,

Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), which contains a detailed outline of the case taking account of written and oral comments and observations supplied by the President *pro tempore* of the Senate and the President of the Justicialist parliamentary group in the Senate, and of written and oral comments and observations supplied by the sources,

Noting that, according to Article 54 of the Constitution of Argentina, amended in 1994, each province is represented in the Senate of the Nation by three members "*of which two seats are allocated to the political party obtaining the highest number of votes and the third to the political party receiving the next highest number of votes*"; *noting further* that, for the period from 1995 to 2001, Transition Clause 4 provides for a regime of indirect elections, its paragraphs 2, 3 and 6 stipulating *inter alia* that:

- "*Two of the seats shall be held by the political party or electoral alliance having the highest number of members in the assembly, and the remaining seat shall be held by the party or alliance holding the next highest number of seats. In the event of the votes being equally divided, precedence shall go to the political party or electoral alliance having received the highest number of votes at the immediately preceding legislative elections*",
- "*The political party or alliance having the highest number of members in the assembly at the time of the election of the Senators shall be entitled to election of its candidate on condition that this shall not result in the election of three Senators from the same party or alliance*",

- *"In all cases, candidates for Senator are to be nominated by political parties or electoral alliances. The fulfilment of legal and statutory requirements to be proclaimed candidate shall be certified by the Electoral Court and reported to the Legislature."*,

Considering that Article 64 of the Constitution, which stipulates that "each Chamber is the judge of the validity of the election and of the rights and qualifications of its members ...", has given rise to different interpretations, the source affirming that this provision authorises the Senate only to verify whether the election and the accreditation of a provincial Senator elect are in accordance with the terms of the Federal Constitution and not to act as elector, the Senate majority affirming on the contrary that it confers upon the Senate "responsibility for the safeguard of its proper and full composition, which implies the quantitative safeguard - all the members - and the qualitative safeguard - representation of the majorities and minorities of each province",

Considering also Law N° 24.444 adopted on 23 December 1994 to regulate the application of Transition Clause 4, in particular its Section 166, paragraph 1, which stipulates that "for the purpose of the application of Transition Clause 4 contained in the National Constitution, with respect to the election of Senators for the provinces on the occasion of the partial triennial renewal of 1995, the legislatures of each province shall elect a senator in conformity with the constitutional provisions ... and finally paragraph 4 of that Section, which states that "the provisions of this section ..., when mentioning alliances or political parties, refer to parties or alliances having participated in the most recent provincial election in order to renew legislative posts, not counting the 1995 electoral process."

Noting that, with respect to the application of this provision in the cases before it, the following emerges from the file:

- (i) On 20 August 1995, Mr. Ramón Eduardo Saadi was elected by his party, the Justicialist Party, as its candidate to occupy the minority seat of Catamarca in the Senate of the Nation. This decision was duly certified and notified to the Legislative Assembly, which, by Senate resolution D.R. 597/95, was informed that it had to elect a senator for the majority and for the minority, together with their substitutes, during a single sitting. On 9 September 1996 the Legislative Assembly elected the titular and substitute candidates of the majority party, Mr. Aníbal Castillo and Mr. A.D. Quintar, and rejected the candidature of Mr. Ramón Saadi and his substitute for the minority. On 19 September 1996, by decision of its majority (*Dictamen de Mayoría, O.D. 1136/96*), the Senate Constitutional Affairs Committee recommended the incorporation in the Senate of Mr. Castillo and Mr. Saadi without, however, the Senate acting upon those recommendations. On 19 March 1997, the Committee requested that the Catamarca Legislative Assembly reconvene to nominate its Senators, arguing that the vote of 9 September 1996 was invalid. On 16 July 1997, the Legislative Assembly informed the Senate of its resolution of 10 July 1997, in which it stated its will to confirm the results of its 9 September 1996 sitting. On 11 June 1998 (O.D. 469), a majority of the Senate Constitutional Affairs Committee recommended the incorporation in the Senate solely of Mr. Saadi and his substitute, but not of Mr. Castillo, while a minority of the Committee recommended the incorporation of Mr. Castillo and the rejection of Mr. Saadi's credentials. The opinions of both the majority and the minority of the Constitutional Affairs Committee having failed to win a majority in the Senate, neither Mr. Saadi nor Mr. Castillo has to date been incorporated in the Senate.
- (ii) The candidatures of Mr. Carlos Angel Pavicich and Ms. Olinda Montenegro for election as titular and substitute Senators, respectively, for the majority in Chaco Province were put forward by the *Alianza Frente de Todos*, an electoral alliance made up of several parties including the *Unión Cívica Radical* (UCR) and recognised as

such by the electoral authorities at both provincial and national levels for the 1997 elections. The Alliance contested and won the provincial elections of 1997, cumulating a total of 16 of the 32 seats of the Provincial Assembly as against 13 for the Justicialist Party. The candidatures of Mr. Pavicich and Ms. Montenegro were duly certified by the Electoral Court and forwarded to the Chamber of Deputies of Chaco, which, on 25 September 1998, by a majority of 17 votes out of 30, elected Mr. Pavicich and Ms. Montenegro as titular and substitute Senators, respectively, for the majority. On 2 October 1998, the Justicialist Party in Chaco Province objected to the incorporation of Mr. Pavicich and Ms. Montenegro in the national Senate, arguing that it held a majority in the Chaco Assembly with its 13 seats. By resolution DR-1083/98 of 21 October 1998 (*Dictamen de Mayoría*), the Senate decided (i) to accept the objection lodged by the Justicialist Party and reject the credentials of Mr. Pavicich and Ms. Montenegro, and (ii) to incorporate instead as titular and substitute Senators for Chaco Province for the period 1998-2001 Mr. Hugo Abel Sager and Ms. Lidia Beatriz Ayala, both of the Justicialist Party. Chaco Province appealed to the Supreme Court of Justice to declare Senate resolution DR-1083/98 unconstitutional and called for a "*non-innovation measure*" to prevent the swearing-in of Mr. Sager and Ms. Ayala. On 24 November 1998, the Supreme Court decided to reject the appeal on the grounds that "*the Senate of the Nation had acted within its exclusive powers ...*". Mr. Sager and Ms. Ayala took the oath on 25 November 1998.

- (iii) The *Pacto Autonomista Liberal - Democracia Progresista* Alliance, which held the majority in Corrientes Province at the time of the election, designated Mr. Carlos Lorenzo Tomasella and Mr. Nicolás Alfredo Garay as their titular and substitute candidates, respectively, to fill the seat of one of the two majority senators, the minority seat of the Province being held by a member of the Justicialist Party. Both candidatures were duly certified by the federal electoral judge, who nevertheless also certified the candidates proposed by the Justicialist Party and the *Partido Nuevo*. On 6 October 1998, the President of the Legislative Assembly of Corrientes convened the Assembly for the purpose of the election. However, the sitting could not be held for want of a quorum due to the absence of the members belonging to the Justicialist Party and the *Partido Nuevo*. The President subsequently refused to reconvene the Assembly, arguing that there would be no quorum since the members of those parties had expressed in writing their decision not to attend such a sitting. On 2 November 1998, the National Electoral Chamber revoked and annulled the certifications granted by the federal electoral judge to the candidates of the *Partido Nuevo* and the Justicialist Party, Mr. Pruyás and Mr. Sanabría, titular and substitute respectively. However, on 5 November 1998, the Senate of the Nation, acting upon a resolution of its majority (*Dictamen de Mayoría*), chose the candidates proposed by the Justicialist Party as national senators for Corrientes Province, arguing that the Justicialist Party held a majority of seats in the Legislature and that the decision of the Electoral Court could be disregarded since (a) an appeal against it had been lodged and (b) it was politically motivated, the court being "*a slave of the Radical Party*". Mr. Tomasella appealed to the Supreme Court of Justice to annul the Senate resolution of 5 November 1998. On 24 November 1998 the Court decided to disallow the appeal, advancing the same arguments as in the case of Chaco Province and, on 25 November 1998, Mr. Pruyás was sworn in,

Noting that, when counting the seats falling to the Justicialist Party in Chaco Province, the Senate authorities took into consideration the results of the 1995 provincial election, in which that party obtained 8 seats, and that of the 1997 elections in which it obtained 5 seats, the corresponding numbers for the UCR being 5 seats in the 1995 elections and 8 in 1997; that, however, when counting the seats belonging to the Alliance, they argue that the 1995 election had to be left out of account under Section 166 paragraph 4 of Law N° 24.444,

Considering that in the "Statement of facts" conveyed by the President of the Justicialist Parliamentary Group in the Senate of the Nation on the occasion of the 101st Conference in April 1999, the Committee on the Human Rights of Parliamentarians was informed that "the Argentine Senate has founded the exercise of its powers ... on Article 64 of the National Constitution and on its responsibility for the safeguard of its proper and full composition, which implies the quantitative safeguard - all the members - and the qualitative safeguard - representation of the majorities and minorities of each province",

Bearing in mind that, in its ruling in case 10956 of 7 October 1993, the Inter-American Commission on Human Rights held that "It is appropriate also to recall ... when analysing the scope of Article 23 of the Convention that, in order to be fully legitimate, elections must be genuine, universal, staged on a regular basis and effected by means of a secret ballot or other method safeguarding the free expression of the voter's will. Legal regulations consequently do not suffice, but what is required is a positive attitude with respect to their implementation, in accordance with those generally accepted principles which must prevail in a representative democracy. What is furthermore asked of the IACHR is to examine whether the citizens who took part in a political process did so under equal conditions, whether such processes guaranteed the free and authentic expression of the voters, and hence whether or not there occurred a violation of political rights.",

Noting finally that the case of Mr. Pavicich and Ms. Montenegro has been brought before the Inter-American Commission on Human Rights, which decided to address it,

1. *Notes that conflicting interpretations have been advanced regarding the powers and procedures of the Senate and the provincial assemblies with respect to the implementation of Constitutional Transition Clause 4;*
2. *Notes that:*
 - (i) *in the case of Mr. Pavicich and Ms. Montenegro, the Senate set aside the election results of the provincial assembly and chose, for the purpose of representing the province in the Senate, persons not elected by the assembly, arguing that the electoral alliance that put up these candidates lacked a majority of seats in the provincial assembly;*
 - (ii) *in the case of Mr. Tomasella and Mr. Garay, the Senate assumed the role of the provincial assembly, which had not convened, and co-opted candidates whose electoral certification had been rejected by the competent electoral court;*
 - (iii) *in the case of Mr. Saadi, the Senate took no action although Mr. Saadi's incorporation in it had been recommended by its Constitutional Affairs Committee, whose recommendations it had followed in the other cases; yet it ignored the uncontested election of Mr. Castillo as Senator for the majority in the province, thus depriving that province's electorate of a duly elected representative in the Senate;*
3. *Notes with concern that, in the above cases, the Senate did not apply consistent criteria when exercising its powers under Article 64 of the Constitution;*
4. *Notes further with concern that, regarding Chaco Province, the Senate does not seem to have applied the same criteria when counting the seats belonging to the Justicialist Party and those belonging to the Alliance since it took the 1995 elections into account in one case and not in the other;*
5. *Recalls that both under the International Covenant on Civil and Political Rights and under the Inter-American Convention on Human Rights, to both of which Argentina is a party, States have an obligation to implement the rights set forth in those*

instruments, including the rights guaranteed under Article 25 and Article 23, respectively, and to guarantee that these rights are applied even-handedly to ensure that the State always acts predictably;

6. *Requests* the Committee on the Human Rights of Parliamentarians to invite the President of the Senate Committee on Constitutional Affairs to a hearing at its next session, in keeping with his stated desire, in order to exchange views with him on the case in question;
7. *Requests* the Secretary General to convey this decision to the President of the Senate and to the President of the Argentine National Group, President *pro tempore* of the Senate, and to the sources;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° BLS/01 - ANDREI KLIMOV) BELARUS
CASE N° BLS/02 - VLADIMIR KOUDINOV)
CASE N° BLS/05 - VICTOR GONCHAR)
CASE N° BLS/10 - VALERY SHCHUKIN)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Having before it the case of Mr. Andrei Klimov, Mr. Vladimir Koudinov, Mr. Victor Gonchar and Mr. Valery Shchukin, all members of the 13th Supreme Soviet of Belarus elected in 1995, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians*",

Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), which contains a detailed outline of the case,

Considering that Mr. Andrei Klimov, Mr. Vladimir Koudinov, Mr. Victor Gonchar and Mr. Valery Shchukin were members of the 13th Supreme Soviet elected in 1995 for a five-year term; that subsequent to the adoption of the new Constitution in November 1996 they lost their parliamentary mandates,

Noting that, on the occasion of the 102nd Conference of the Inter-Parliamentary Union, the Committee heard two of the persons concerned on the one hand and, on the other, the delegation of the House of Representatives of Belarus to the Conference, including the country's Deputy Minister of the Interior,

Considering that the current evidence on file is that Mr. Klimov took an active part in initiating the impeachment petition against President Lukashenko in November 1996 and that he was also active in the unofficial committee formed by Supreme Soviet deputies to investigate President Lukashenko's political conduct; that on 11 February 1998 he was arrested and accused of embezzlement and irregularities in his company's dealings, and that in August 1999 he was charged under Article 150.2 of the Penal Code with substantial misappropriation of public funds; that he is liable to six to fifteen years' imprisonment for embezzlement, and to a maximum of three years in prison for business irregularities; that the source asserts that the charges are trumped up and politically motivated; that the source further asserts that his health has considerably worsened in detention and that the visiting rights of his family and lawyer have been suspended several times, once for some five months; that the authorities affirm, on the contrary, that his family is free to visit him and that this right is subject to no restriction, that his lawyer can meet him in private and without limitation, and that a doctor has examined him several times on account of health problems predating his arrest,

Considering that further evidence on file is that Mr. Koudinov was also involved in the attempt to have President Lukashenko impeached; that he was arrested in 1997 by highway police and accused of offering the police a US\$500 bribe to let through one of his trucks carrying eight tons of meat; that he was tried on 8 August 1997, found guilty of attempted corruption under Article 15.2 and Article 170.2 of the Penal Code and sentenced to seven years' imprisonment and confiscation of all his property; that the Minsk Regional Court and the Supreme Court upheld the verdict on appeal; that the sources assert that the trial was flawed by various irregularities; that they allege that Mr. Koudinov is often denied family visits and that in August 1998 he was placed in solitary confinement after a letter from him addressed to the youth of Belarus was confiscated from his daughters who had just visited him; that on 8 June 1998 his wife was allegedly attacked by two unknown masked individuals threatening to strike her if she continued attempting to secure her husband's release; that the authorities state, on the contrary, that Mr. Koudinov has received medical assistance on eight occasions and that there is nothing to prevent his relatives from visiting him in accordance with prison regulations,

Considering that further evidence on file is that on 16 September 1999, Mr. Gonchar, Vice-President of the 13th Supreme Soviet, and one of his friends, Mr. Anatoly Krasovsky, failed to return home and have since disappeared; that the efforts made to find them, according to the authorities, have so far been fruitless; *considering* in this context that Mr. Gonchar was to have taken a leading part in the forthcoming talks under OSCE auspices between the opposition and President Lukashenko; *considering also* that in March 1999 Mr. Gonchar had been sentenced to ten days' administrative detention following his central role in the attempt to organise presidential elections in July 1999,

Noting that after Mr. Yury Zakharenko, former Minister of the Interior, and Ms. Tamara Vinnokova, former President of the National Bank, Mr. Gonchar is the third prominent member of the Belarusian opposition to have disappeared since April 1999,

Considering, finally, that the evidence on file is that Mr. Shchukin was Chairman of the Supreme Soviet Committee on National Security and was also involved in the attempt to impeach President Lukashenko; that it is alleged that he is under constant police surveillance, constantly harassed, regularly subjected to arrests and interrogation, or even police brutality, and repeatedly sentenced to punishments ranging from a few days of administrative detention to a fine of 30 million roubles for taking part in a demonstration; that the judicial proceedings are allegedly flawed by various irregularities; that, according to the authorities, he was sentenced for taking part in unauthorised demonstrations and for acts of hooliganism,

Noting that the authorities deny that the four former members of the Supreme Soviet have been targeted for political reasons and that, in support of that assertion, they state that of the thirteen members of the Supreme Soviet who signed the impeachment petition in November 1996, five are today serving members of the National Assembly and even hold senior positions in it, and others occupy diplomatic posts,

1. *Is alarmed* at the disappearance of Mr. Victor Gonchar and his friend;
2. *Notes* marked discrepancies between the information received from the sources and that provided by the authorities regarding the situation of Mr. Koudinov, Mr. Klimov and Mr. Shchukin;
3. *Accepts with satisfaction* the invitation extended by the National Assembly of Belarus to the Inter-Parliamentary Union to send an on-site mission to meet the authorities and persons concerned and all competent sources of information;

4. *Takes note with satisfaction* of the assurances given by the delegation that such a mission will be able take place in accordance with the rules applied by the Inter-Parliamentary Union, which provide in particular that all conversations with detainees must be conducted in the absence of any witness not belonging to the mission;
5. *Hopes* that the mission will be able to take place in the near future;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° BHU/01 - TEK NATH RIZAL - BHUTAN***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Having before it the case of Mr. Tek Nath Rizal, of Bhutan, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians*",

Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), which contains a detailed outline of the case,

Considering that the case of Mr. Tek Nath Rizal, of Bhutan, has been receiving attention from the Committee on the Human Rights of Parliamentarians for some 21 sessions,

Considering that Mr. Tek Nath Rizal, a member of the *Tshogdu* (National Assembly of Bhutan), was first arrested and detained in 1988 on account of his position on Bhutanese immigration and citizenship policy in southern Bhutan; that his conditions of detention at the time are the subject of deep contradictions between the Bhutanese authorities and the sources of communication; that he then went into exile in Nepal, where he was rearrested in 1989 and extradited to Bhutan; charged under the "*general law of the land*" (*Thrimshung Chhenpo*) and the National Security Act 1992 with organising a campaign of civil disobedience accompanied by acts of violence and terrorist activities, he was sentenced to life imprisonment on 16 November 1993; that the sources allege that the trial was flawed by irregularities; that, three days after the announcement of the verdict, the King announced by decree that Mr. Rizal would be granted a pardon once the Governments of Nepal and Bhutan had resolved the problem of the southern Bhutanese living in refugee camps in Nepal; that, six years later, the refugee problem is far from being settled, as evidenced by many communications conveyed by the Bhutanese authorities on this issue, so that Mr. Rizal cannot expect a pardon in the near future,

Noting that, on the basis of direct observations, the sources report that Mr. Rizal now suffers from serious mental disorders which alone justify his release in accordance with international norms pertaining to detainees; that this information was confirmed by other independent sources; that, however, the authorities assert that he is by no means insane,

1. *Expresses deep concern* at the reports received from different independent sources that Mr. Tek Nath Rizal is suffering from a mental illness requiring medical attention and treatment;
2. *Notes* that Mr. Tek Nath Rizal has now been in prison for 10 years; also *notes* the willingness shown by His Majesty the King immediately after the sentence handed

down on Mr. Tek Nath Rizal to grant him pardon once the refugee problem was settled; *firmly believes* that the intention of His Majesty to grant pardon, albeit conditionally, is based on strong reasons;

3. *Calls* therefore on the Bhutanese authorities to release Tek Nath Rizal on humanitarian grounds or, at the very least, to admit an international independent expert to examine Mr. Rizal's state of health;
4. *Earnestly hopes* that the Bhutanese authorities will heed this appeal from the international parliamentary community;
5. *Requests* the Secretary General to convey this decision to the Speaker of the *Tshogdu*;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

BURUNDI

**CASE N° BDI/01 - SYLVESTRE MFAYOKURERA
CASE N° BDI/05 - INNOCENT NDIKUMANA
CASE N° BDI/06 - GÉRARD GAHUNGU
CASE N° BDI/07 - BIBIANE NTAMUTUMBA
CASE N° BDI/29 - PAUL SIRAHENDA**

<p>CASE N° BDI/02 - N. NDIHOKUBWAYO CASE N° BDI/03 - L. NTIBAYAZI CASE N° BDI/08 - A. NAHINDAVYI NDANGA CASE N° BDI/09 - I. KUBWAYO CASE N° BDI/11 - I. BAPFEGUHITA CASE N° BDI/12 - P. NIZIGIRE CASE N° BDI/13 - P. BURARAME CASE N° BDI/14 - S. BIYOMBERA CASE N° BDI/15 - J. NDEZAKO CASE N° BDI/16 - D. SERWENDA CASE N° BDI/17 - A. NTIRANDEKURA CASE N° BDI/18 - D. BIGIRIMANA</p>	<p>CASE N° BDI/19 - T. SIBOMANA CASE N° BDI/20 - T. BUKURU CASE N° BDI/21 - S. MUREKAMBANZE CASE N° BDI/22 - G. NDUWIMANA CASE N° BDI/23 - C. MANIRAMONA CASE N° BDI/24 - S. NTAKHOMENYEREYE CASE N° BDI/25 - D. NGARUKIRINKA CASE N° BDI/27 - N. NTAHOMUKIYE CASE N° BDI/28 - C. BUCUMI CASE N° BDI/30 - A. KIRARA CASE N° BDI/31 - J.-P. NTIMPIRONGREA</p>
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**CASE N° BDI/26 - NEPHTALI NDIKUMANA
CASE N° BDI/33 - AUGUSTIN NZOJIBWAMI**

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)*

The Inter-Parliamentary Council,

Referring to the outline of the case of the above-mentioned parliamentarians of Burundi, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking note of a communication from the Minister of Justice dated 9 August 1999 and of a communication from the Minister for Human Rights, Institutional Reforms and Relations with the National Assembly of Burundi, dated 8 July 1999, in which he promises to send the requested information and gives assurances of his willingness to cooperate with the Committee regarding the cases in question; noting, however, that there has been no further response from him,

Recalling that Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu and Ms. Ntamutumba, all of whom were elected in 1993 on a FRODEBU ticket, were assassinated on 20 August 1994, 16 December 1995 and in April and May 1996, respectively; *also recalling* the failed attempts on the lives of Mr. Ndiwokubwayo and Mr. Ntibayazi in September 1994 and September 1995, respectively; *recalling further* the "disappearance" on 1 August 1997 of Deputy Sirahenda, who, according to eyewitness reports, was abducted by military personnel in the market

town of Mutobo and taken to Mabanda camp, where he is alleged to have been extrajudicially executed,

Considering that, according to information supplied by the Minister of Justice on 9 August 1999, the investigations into the murder of Ms. Ntamutumba and the "disappearance" of Mr. Sirahenda are still under way but it would seem that "*the trails are hard to identify*"; that he further stated that no investigation had been started into the murder of Mr. Ndikumana and Mr. Gahungu,

Recalls in this connection the information supplied previously by the authorities that the file on Mr. Innocent Ndikumana (RMPG 1548/Si) was pending before the Criminal Chamber of the Bujumbura Court and would be heard publicly for the first time on 5 May 1999; that, however, the accused was at large; that the file on Mr. Gahungu (RMPG 1378/NT.T) was still pending and would soon be heard in open court,

Recalling that, according to the authorities, the investigations into the murders of Mr. Mfayokurera and Ms. Ntamutumba have been shelved,

Recalling also that Mr. Ndiokubwayo escaped several attempts on his life and was forced into exile; that his attackers were arrested but later released by the judge,

Considering that Mr. Nephtali Ndikumana was found guilty *in absentia* on 7 March 1997 of incitement to ethnic hatred for having, in May 1994, on behalf of his party, made a statement alleging massacres and ethnic cleansing of FRODEBU supporters; *recalling* in this connection that the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions denounced alleged violations of human rights by the army in his report to the 52nd session of the United Nations Commission on Human Rights,

Recalling that, according to information supplied earlier by the President of the National Assembly, three cases were pending against Mr. Nzojibwami, Second Vice-President of the National Assembly, namely one offence relating to Mr. Nzojibwami's statements on the BBC denouncing the policy of forced regrouping of the population into what he called concentration camps, the second to a military uprising in the province of which he was Governor at that time and of which he was reportedly aware, and the third to the election of a person in exile, Mr. Minani, to the presidency of FRODEBU at its Congress in 1997,

Considering that, according to the Minister of Justice, Mr. Nzojibwami was acquitted on 9 October 1999 in one of the cases, whereas he was found guilty in another and sentenced to a fine which he has already paid, and the third case was currently being tried,

Considering that, according to the Burundi delegation to the 102nd IPU Conference, Mr. L. Ntibayazi, Mr. P. Burarame, Mr. S. Biyombera, Mr. D. Bigirimana, Mr. T. Bukuru, Mr. D. Ngarukirinka and Mr. N. Ntahomukiye returned from exile and have resumed their parliamentary activities,

Bearing in mind that, according to the "*Agreement on the Political Platform of the Transition Regime*" and the "*Constitutional Act of Transition*" of 6 June 1998, the transitional institutions are in particular entrusted with combating impunity for crimes and promoting equitable and reconciliatory justice; *mindful* in this connection of the recommendation made by the United Nations Special Rapporteur on the human rights situation in Burundi in his report to the 53rd session of the General Assembly (A/53/490) emphasising "*the imperative need to formulate adequate strategies for ending impunity ...*",

1. *Thanks* the Minister of Justice for the information he supplied; *regrets*, however, that the Minister for Human Rights, Institutional Reforms and Relations with the National Assembly has failed to respond;
2. *Remains perplexed* at the contradictory information supplied by the authorities about the investigation into the murder of Mr. I. Ndikumana and Mr. G. Gahungu, and *would appreciate* notification of the true state of affairs;
3. *Deeply regrets* that the investigations into the other cases of murder and attempted murder have been unavailing although, in the case of Mr. Ndiokubwayo, the attackers are known since they had been arrested and, in the case of Mr. Sirahenda, there are many eyewitnesses of his kidnapping;
4. *Forcefully recalls* that the fight against impunity is a prerequisite for full restoration of the rule of law and respect for human rights in the country;
5. *Would appreciate* detailed information on the case in which Mr. Nzojibwami was acquitted, that in which he was found guilty and that still pending;
6. *Deeply regrets* that Mr. Nephtali Ndikumana was found guilty and sentenced to three years' imprisonment on account of a statement he made as a member of Parliament and Vice-President of the parliamentary group of his party, in which he denounced criminal acts that were also denounced by a competent United Nations Special Rapporteur; *firmly recalls* that members of Parliament require freedom of expression to fulfil their oversight function and to denounce without fear of prosecution, in particular of imprisonment, possible exactions or malfunctions of the Executive;
7. *Wishes* to ascertain whether Parliament could contemplate granting an amnesty for cases such as that of Mr. Ndikumana;
8. *Notes* that Mr. L. Ntibayazi, Mr. P. Burarame, Mr. S. Biyombera, Mr. D. Bigirimana, Mr. T. Bukuru, Mr. D. Ngarukirinka and Mr. N. Ntahomukiye have returned from exile and resumed their parliamentary activities, and consequently *decides* to close the file regarding them;
9. *Requests* the Secretary General to convey this decision to the competent authorities and seek the requested information;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the other cases and report to it at its next session (April-May 2000).

CASE N° CMBD/01 - SAM RAINSY) CAMBODIA
 CASE N° CMBD/02 - SON SOUBERT)
 CASE N° CMBD/03 - POL HAM)
 CASE N° CMBD/04 - SON SANN)
 CASE N° CMBD/05 - KEM SOKHA)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Sam Rainsy, Mr. Son Soubert, Mr. Pol Ham, Mr. Son Sann and Mr. Kem Sokha, of Cambodia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Recalling that the above MPs were elected in the 1993 legislative elections organised by UNTAC (United Nations Transitional Authority in Cambodia); that Mr. Sam Rainsy was elected on a FUNCINPEC ticket and the other four for the BLDP (Buddhist Liberal Democratic Party),

Recalling that FUNCINPEC, which won the elections, formed a coalition with the runner-up, the Cambodia People's Party (CPP); that Mr. Sam Rainsy was excluded from his party in May 1995, and subsequently from the National Assembly; that in November 1995 he founded a new political party, the Khmer Nation Party (KNP); that in 1995 the BLDP split into two factions; that the faction led by the Minister of Information, Mr. Ieng Mouly, was recognised by the authorities while the other, led by Mr. Son Sann, was the target of a grenade attack when attempting to hold a congress in October 1995; that in March 1997 an authorised and peaceful KNP demonstration, led by Mr. Rainsy, in turn suffered a grenade attack that left at least 16 dead and over 100 injured; that investigations have so far been unavailing,

Noting that the evidence on file, at the present stage of investigations, is that in September 1998 Mr. Kem Sokha was obliged to take refuge in a foreign embassy for 50 days following threats and accusations against him for activities conducted in his parliamentary capacity and as chairman of the National Assembly's Committee on Human Rights and Complaints; that he was accused of incitement to racial hatred and damage to public property, and that a warrant was issued for his arrest; that Mr. Sokha joined the FUNCINPEC Party, which picked him as one of its members in the new Upper House of Parliament, the Senate; according to the President of the National Assembly, there is at present no charge outstanding against him; yet, according to Mr. Kem Sokha's lawyer, his case is still pending,

Noting that it is alleged that the arrest warrant issued in September 1998 against Mr. Sam Rainsy has never been officially withdrawn and that the judicial proceedings seem to

have been simply shelved but not dropped; *noting*, in addition, that Mr. Rainsy is said to be the target of death threats,

Recalling that, at the hearing of the Cambodian delegation held by the Committee on the occasion of the 101st Inter-Parliamentary Conference in Brussels (April 1999), the President of the National Assembly of Cambodia pointed out that the Programme of Common Politics which FUNCINPEC had concluded on 23 November 1998 with its coalition partner, the Cambodia People's Party (CPP), provided for combating impunity and investigating the crimes of the past, which issues were, he said, also part of the General Programme of Politics which the Prime Minister had presented to the National Assembly on 30 March 1999,

Also recalling that, referring to both Programmes, the President stated his determination both to guarantee the rights of the parliamentary opposition and to ensure that impunity no longer prevailed in Cambodia,

Considering that, in his letter of 2 August 1999, the President of the National Assembly stated that he had twice reminded the Prime Minister of the need for appropriate measures concerning the cases in question, adding that "*unfortunately, there is no substantial progress in the investigations on the specific cases that prompted the impunity issue [to be] raised*"; *noting* that in that letter the President also refers to a series of measures taken as part of judicial and civil administration reform to reduce the incidence of impunity; however, according to him, those measures taken as a whole might not be sufficient; strong and tangible support would therefore be needed from the international community,

1. *Thanks* the President of the National Assembly for his observations and his cooperation;
2. *Notes with deep regret* that it emerges from the communications received that, in spite of an asserted official resolve to combat impunity and of progress with regard to the security and protection of leading political figures and an improvement in general security in the country, no substantial progress has been made in the investigations into the aforesaid attacks, whose perpetrators remain unpunished;
3. *Reaffirms* that combating impunity is essential to the establishment of a democratic State based on the rule of law and respect for human rights, and *emphasises* in this connection the opinion of the Special Representative of the United Nations Secretary-General for Human Rights in Cambodia that: "*the lack of prosecution by the Government of past instances of serious human rights violations creates a climate of impunity and sends a negative signal to everyone in the society. To the criminal elements, it is an encouragement that they might continue to kill, torture, rape, illegally arrest and detain without being held accountable; that they are above the law. To the public, the message might be understood to be that the law is powerless to protect ordinary people from abuse and that, therefore, it is necessary to defend one's interests through violent means ...*";
4. *Reiterates its wish* (i) to be informed of any progress in the investigations under way; (ii) to ascertain whether the arrest warrants issued in the autumn of 1998 against Mr. Sam Rainsy and Mr. Kem Sokha have both been withdrawn and whether any proceedings are currently under way against them;
5. *Requests* the Secretary General to convey this decision to the parliamentary and other competent authorities, inviting them to provide the requested information;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° CO/01 - PEDRO NEL JIMÉNEZ OBANDO) **COLOMBIA**
CASE N° CO/02 - LEONARDO POSADA PEDRAZA)
CASE N° CO/03 - OCTAVIO VARGAS CUÉLLAR)
CASE N° CO/04 - PEDRO LUIS VALENCIA GIRALDO)
CASE N° CO/06 - BERNARDO JARAMILLO OSSA)
CASE N° CO/08 - MANUEL CEPEDA VARGAS)

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)*

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted by the Inter-Parliamentary Council at its 164th session (April 1999),

Taking account of the information provided by one of the sources on 28 June and 18 August 1999,

Recalling that the MPs concerned, members of the Unión Patriótica, were all assassinated between 1986 and 1994; that only in the case of Senator Cepeda Vargas, murdered on 9 August 1994, have the investigations produced any result,

Considering in this respect that, on 28 June 1999, the disciplinary court (Procuraduría) found that General Herrera Luna (deceased in 1997) and the head of the paramilitary troops, Carlos Castaño Gil, had acted as instigators of Senator Cepeda's murder; that Mr. Justo Gil Zúñiga Labrador and Mr. Hernando Medina Camacho, two Army non-commissioned officers, accompanied by two hired gunmen (since assassinated) of Castaño, perpetrated the crime; that in pursuance of the Code of Military Discipline, the two military were sentenced to a "*severe reprimand*", ratified by the Procuraduría on appeal on 3 August 1999, which means that the State acknowledges its responsibility in Senator Cepeda's assassination,

Considering that, in response to the "*severe reprimand*" sentence, two NGOs availed themselves, on 26 July 1999, of their right to petition the Minister of Defence requesting that, once the responsibility of the military personnel had been proved, the Minister discharge them from the Armed Forces, and that their petition had the support of the Senate Committee on Human Rights,

Considering that, on 13 August 1999, the Minister of Defence turned down the petition; that, according to the source, the decision came shortly before the Minister's statement of 17 August 1999 regarding the assassination of the journalist Jaime Garzón to the effect that the Government would discharge members of the Armed Forces implicated in criminal acts,

Considering moreover that, according to one of the sources, the two Army non-commissioned officers who are supposed to be confined to barracks are in fact frequently let out and even given military intelligence assignments,

Recalling that Mr. Carlos Castaño Gil is wanted for the murder not only of Senator Cepeda but also of Senator Jaramillo and that, according to information supplied by the authorities in April 1999, the Human Rights Unit of the Prosecutor's Office charged Carlos and Fidel Castaño with criminal association and homicide for terrorist purposes; that a "*Search Squad for private justice groups*" was set up in December 1997 with a mandate, *inter alia*, to act in support of the Fiscalía General in executing arrest warrants,

Considering in this connection that, in its third report on the human rights situation in Colombia (February 1999), the Inter-American Commission on Human Rights arrives at the conclusion "*that the State has played an important role in the development of the paramilitary groups and has not adequately combated those groups. The State is thus responsible, in a global sense, for the existence of the paramilitary and therefore faces responsibility for the actions carried out by those groups*",

Bearing also in mind the recommendation made by the Inter-American Commission on Human Rights in the report referred to above, namely that: "*The State should take immediate and concrete steps to combat the extremely high level of impunity that exists in all types of criminal cases, and particularly in traditional human rights cases. These steps should necessarily include serious, impartial and effective criminal investigations of those allegedly responsible for committing crimes and the imposition of corresponding legal sanctions*",

1. *Notes with satisfaction* that, in the case of the murder of Senator Cepeda, the disciplinary court gave its decision; *is nonetheless perturbed* that the sanction handed down on the two sergeants who were found guilty of Senator Cepeda's murder is far too lenient;
2. *Fails to comprehend* that the Minister of Defence turned down a petition for the discharge of the Army officers when he had reportedly the previous day stated that the Government would discharge members of the Armed Forces implicated in criminal acts;
3. *Would appreciate* information as to the power Congress possesses to amend the Code of Military Discipline so as to bring it more into line with the principle of proportionality between crime and punishment;
4. *Is alarmed* at the allegation that the murderers of Senator Cepeda are not in detention, and *urges* the competent authorities to ensure their custody in accordance with the law;
5. *Trusts* that the trial before the ordinary court will proceed without further impediment in order that justice may finally be done in this case;
6. *Urges* the competent authorities, and in particular the National Congress, to make every effort to ensure that the warrants issued for the arrest of Mr. Carlos Castaño Gil are executed, which would constitute an essential step in the fight against impunity;
7. *Wishes* to ascertain any progress meanwhile made in the investigations into the murder of Mr. Jiménez, Mr. Posada, Mr. Valencia and Mr. Jaramillo, which, according to the information on file, are still under way;
8. *Calls on* the National Congress of Colombia to do everything in its power to ensure that the State takes immediate and concrete steps to combat impunity, as recommended by the Inter-American Commission on Human Rights, which is a prerequisite for restoring the rule of law, respect for human rights and peace;

9. *Requests* the Secretary General to bring this decision to the attention of the Colombian parliamentary authorities, the Minister of Defence and the Office of the High Counsellor for Human Rights and the Inter-American Commission on Human Rights;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° CO/09 - HERNAN MOTTA MOTTA - COLOMBIA***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Senator Hernán Motta Motta, of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Noting that Mr. Motta, who was forced into exile in 1997, wishes the Inter-Parliamentary Union to continue examining his case,

Noting also the lack of any new information regarding the investigations into the death threats which forced Mr. Motta into exile,

1. *Requests* the Secretary General again to contact Mr. Motta and the competent Colombian authorities with a view to ascertaining whether any progress has been made in the relevant investigations which, according to the information on file, were instituted in October 1995 and are being conducted by the Terrorism Unit of the Regional Directorate of Public Prosecutions in Bogotá;
2. *Decides* that, failing any substantial information in this respect by the time of its next session, it would feel impelled to close the file and conclude that the Colombian State is indeed guilty of a violation of Mr. Motta's right to security, having failed to take appropriate measures to protect him;
3. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

DEMOCRATIC REPUBLIC OF THE CONGO**CASE N° ZRE/25 - JOSEPH OLENGHANKOY****CASE N° ZRE/26 - EUGÈNE DIOMI NDONGALA NZOMAMBU*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Joseph Olenghankoy and Mr. Eugène Diomi Ndongala Nzomambu, members of the High Council of the Republic - Transitional Parliament (HCR-TP) dissolved in May 1997, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Recalling that Mr. Olenghankoy, National President of the Innovatory Forces for Union and Solidarity (FONUS) and, according to the source, the most popular opposition leader in the eyes of many, was arrested at his office on 20 January 1998 by elements of the National Intelligence Agency (ANR); that for two days he was held incommunicado in an ANR jail and subjected to an interrogation described as "close" by the Human Rights Field Office in the Democratic Republic of the Congo; that he was then transferred to the Kokolo military camp and later to Lubumbashi, where he was held in harsh conditions in an ANR jail before being taken to Buluwo high security prison near Likasi/Shaba in Katanga Province; that, according to the Office of the High Commissioner, he was accused of having breached the activity ban imposed on political parties and, according to the source, of having stirred up members of the armed forces against President Kabila; that, following an escape attempt in April 1998, Mr. Olenghankoy and two of his fellow detainees were recaptured by the security forces and taken back to Buluwo prison; that on 18 May 1998, following the trial of "*the Buluwo escapees*", he was found guilty by the Military Order Court of breach of State security and sentenced to 15 years' imprisonment; that the source alleges that the trials conducted by those courts do not meet international standards of equity,

Considering also that Mr. Ndongala, a member of the former HCR-TP and President of the Front for the Survival of Democracy in the Congo, was detained without an arrest warrant by members of the military police at his home on 10 December 1997; that they allegedly raped his two sisters before taking him to Loano military camp, Kinshasa, and then to Kokolo; that on 2 January 1998, Mr. Ndongala was transferred to a farm at Mikonga before being brought back to the Kokolo military camp; that he was reportedly badly beaten and that, his health having greatly deteriorated, he was taken to hospital on 8 January 1998 and underwent an operation; that he was released on 24 January 1998,

Recalling that, in the resolution on this case adopted at its 164th session (April 1999), the Council had requested the Secretary General to do his utmost to secure the release of

Mr. Olenghankoy and convey the concerns of the Inter-Parliamentary Union regarding the file to the competent authorities of the Democratic Republic of the Congo,

Noting that, according to a reliable source, Mr. Olenghankoy was released in June 1999 and is at present able to move around freely, but that his property, some of which has been confiscated and some looted, still has not been returned to him,

1. *Takes note with satisfaction* of reliable information that Mr. Olenghankoy was released in June 1999; nevertheless *regrets* having to observe that he was kept in arbitrary detention for almost two years and sentenced at the conclusion of an unfair trial, and that his property has not been returned to him;
2. *Deeply regrets* that Mr. Ndongala was detained without charge and subjected to severe ill-treatment, without the perpetrators of such a criminal act having been brought to justice;
3. *Considers* that the Democratic Republic of the Congo, which is a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights, has incurred responsibility for the violation of the human rights of its former MPs, both directly and indirectly, and *urges* the State authorities to take the necessary steps to compensate the persons concerned and return their property.

CASE N° DJI/09 - AHMED BOULALEH BARREH) DJIBOUTI
 CASE N° DJI/10 - ALI MAHAMADE HOUMED)
 CASE N° DJI/11 - MOUMIN BAHDON FARAH)

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
 at its 165th session (Berlin, 16 October 1999)*

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Ahmed Boulaleh Barreh, Mr. Ali Mahamade Houmed and Mr. Moumin Bahdon Farah, of Djibouti, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking account of the information and observations supplied by the delegation of Djibouti to the 102nd IPU Conference, in particular of its invitation to conduct an on-site mission,

Recalling that, their immunity having been lifted, Mr. Boulaleh Barreh, Mr. Mahamade Houmed and Mr. Bahdon Farah were found guilty on 7 August 1996 of insulting the President of the Republic on account of having stated that the President ruled "*by terror and force while trampling underfoot our Constitution*", and sentenced each of them to six months' imprisonment, a fine and five years deprivation of their civic rights; that they were consequently unable to participate in the parliamentary elections of December 1995 and the presidential elections of April 1999,

Recalling that the trial had gone ahead despite a Constitutional Court ruling of 31 July 1996 that the lifting of their parliamentary immunity had been flawed,

Recalling that Mr. Bahdon Farah, a former Minister of Justice, has since been prosecuted on charges of misappropriation of seized goods, for retaining a stolen object and for involvement in an alleged coup d'Etat; that in the latter case he and Mr. Mahamade Houmed were found guilty on 12 September 1996 of "*inciting disobedience in the armed forces with a view to harming the national defence*" (Article 157 of the Penal Code) and sentenced to one year's imprisonment, suspended, two years on probation and a fine of one million Djibouti francs,

Considering that the appeal of the former MPs against this conviction was due to be heard on 13 October 1999; that, according to the sources, the French lawyer they had chosen was not issued the necessary visa despite the existence of a Franco-Djiboutian legal assistance convention; *considering* in this connection that, according to the Djibouti delegation to the 102nd IPU Conference, this convention does not automatically provide for French lawyers to plead in Court and that therefore the granting of a visa was a matter for the discretion of the competent authorities,

Considering its main concerns in this case, namely respect for the right to freedom of expression, which would be meaningless if it did not permit criticism of the Executive, respect for

a ruling of the highest judicial instance in the country which is binding on all other State organs; *considering further* its concerns at the new judicial proceedings brought against Mr. Bahdon Farah and Mr. Mahamade Houmed and respect for their right to be assisted by a counsel of their own choosing,

Noting that its dialogue with the authorities of Djibouti has so far made no headway,

1. *Is gratified* that the delegation of Djibouti has invited the Committee to visit the country and to see matters for itself;
2. *Requests* the Secretary General to ascertain the possibility of arranging such a mission, subject to observance of the relevant IPU rules;
3. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° EC/02 - JAIME HURTADO GONZALEZ) ECUADOR
 CASE N° EC/03 - PABLO VICENTE TAPIA FARINANGO)

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
 at its 165th session (Berlin, 16 October 1999)*

The Inter-Parliamentary Council,

Having before it the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member, respectively, of the National Congress of Ecuador, both belonging to the opposition *Movimiento Popular Democrático* (MPD), which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians*",

Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), which contains a detailed outline of the case,

Taking account of the information and observations supplied by a member of the Ecuadorian delegation to the 102nd IPU Conference,

Considering the following facts on file as they appear from the police reports conveyed by the authorities and the sources, and from the report of the Special Commission of Inquiry set up to establish the truth in this case:

- Mr. Jaime Hurtado and Mr. Pablo Vicente Tapia, both belonging to the opposition *Movimiento Popular Democrático*, and Mr. Wellington Borja Nazareno, a legislative services assistant working with the National Congress, were shot dead on 17 February 1999 in broad daylight shortly after leaving the morning plenary sitting of the National Congress. According to the source, the killers left the scene of the crime with astonishing calm, given that the killing took place in an area permanently patrolled by police officers, since it comprises offices of the legislature and judiciary, the Labour Ministry, the Land Registry and the National Police. Moreover, the crime took place opposite an emergency assistance post of the National Police which had reportedly been temporarily closed in the days immediately preceding the crime.
- According to the findings of the preliminary investigations carried out by sections of the Pichincha Criminal Police, the person who fired the shots that killed the MPs concerned was a Colombian national, Victorino, abetted by two other Colombians, all managing to escape. Also implicated were Washington Fernando Aguirre and three other Ecuadorian nationals, one of whom, Michael Stalin Oña, was subsequently shot dead by the police in obscure circumstances, according to the source. The report concludes that the motive for the killing was Jaime Hurtado's links with the Colombian guerrilla movement and his intention to set up a guerrilla in Ecuador, an

assertion based on the version of events given by the main defendant, Washington Aguirre, who is currently in detention.

- By Executive Decree N° 635 of 25 February 1999, the Government set up a Special Commission of Inquiry (SCI) in an effort to establish the true facts of the case. On 20 April 1999, the Commission issued a public information bulletin setting out the contradictions it had found in the police report, which it described as "*fabricated, incomplete and contradictory*". It rejected as unsubstantiated the police version of the facts that those who planned the killings belonged to Colombian paramilitary squads.
- The SCI claims to have encountered a series of obstacles from various State organs making its task extremely difficult. In particular it had great difficulty in obtaining permission to meet Washington Aguirre, the key witness, in prison and it was not allowed to conduct the interview in private, a hooded member of the police special branch being stationed a few feet away. Mr. Aguirre's chief concern was to secure protection for himself and his family since he had received threats that made him fear for all of their lives.
- On 19 February 1999, the Judge of the Second Criminal Court of Pichincha ordered proceedings to be opened but subsequently, on 5 April 1999, referred the case to the President of the District High Court, who issued an order on 25 May 1999 staying criminal proceedings against the perpetrators of that crime. On 6 July 1999, the President of the Supreme Court issued an order to stay proceedings in this criminal case, transferring jurisdiction with immediate effect to the President of Quito High Court and stating, with regard to one of the persons accused by the families of Mr. Hurtado and Mr. Borja Narazeno, General Villarroel, Chief of the Police, that he should be subject to police jurisdiction and not to that of the ordinary criminal courts.
- Eight months after the murder, no judge has as yet been assigned to the case and reportedly not even a tenth of the formalities of the pre-trial proceedings have been dealt with, so that the SCI expressed the fear that, should the present state of affairs persist, this would pose a serious threat to the normal conduct of the case and the subsequent bringing to justice of the perpetrators.

Considering that, according to information supplied by the Vice-President of the Congressional Human Rights Committee, Parliament has set up a committee to monitor the proceedings in this case,

Considering finally that, in view of its concerns, the SCI expressed the wish that the Inter-Parliamentary Union should explore the possibility of sending a mission to the country; that, according to a member of the Ecuadorian delegation, the Government would agree to such a mission,

1. *Is deeply shocked* at the murder of Mr. Hurtado, Mr. Tapia and Mr. Borja Nazareno, particularly in view of its circumstances;
2. *Expresses deep concern* at the fact that, eight months after the murder, no judge has been assigned to the case, and *recalls forcefully* that States have a duty to dispense justice and investigate criminal acts without undue delay, identify the culprits and bring them to justice;
3. *Recalls* that impunity constitutes a serious threat not only for all members of the National Congress but also for all those whom they represent in Parliament;

4. *Wishes to ascertain* why no judge has as yet been assigned to the case; also *wishes to know* which body is in charge of conducting the investigations and what stage they have reached;
5. *Is alarmed* at the death threats which Mr. Aguirre maintains are directed against him and his family, and *urges* the authorities to ensure both his and his family's security by all possible means, as their duty commands;
6. *Would appreciate* information about the work of the Committee set up by the national Congress to monitor the proceedings in this case, with special reference to respect for due process of law;
7. *Takes favourable note* of the application of the Special Commission of Inquiry for the IPU to send a mission to Ecuador, and *requests* the Secretary General to ascertain with the authorities and the Special Commission the feasibility of such a mission;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° GMB/01 - LAMIN WAA JUWARA - GAMBIA

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Lamin Waa Juwara, a member of the House of Representatives of the Gambia dissolved in 1994, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking account of the information and observations supplied by the Office of the Attorney General's Chambers & Department of State for Justice on 6 July and 2 August, and by the Speaker of Parliament on 24 August 1999,

Recalling the following facts on file:

- On 29 July 1998 the High Court rejected Mr. Juwara's claim for compensation for the many arbitrary arrests and periods of detention he suffered at the hands of officials acting under the authority of the Armed Forces Provisional Ruling Council (AFPRC) which took power after Parliament's dissolution in 1994, and ruled that the alleged conduct of the defendants in this action was not subject to the jurisdiction of the courts since Section 13 of Schedule 2 of the 1997 Constitution guaranteed members of the AFPRC and its officers and appointees immunity from any prosecution in respect of any act or omission attributable to them under the AFPRC administration,
- Mr. Juwara was re-arrested without any arrest warrant on the night of 18 May 1998 at his home and held incommunicado until the Supreme Court ordered his release on bail on 8 June 1998. On the night of his arrest Mr. Juwara was subjected to severe ill-treatment by security agents, sustaining serious injuries as a result; according to newspaper reports relying on Mr. Juwara's statements and carrying photographs, he was first assaulted in his house by officers under the command of Major Amadou Suwareh; on the way to the Mile Two Central Prison where he was detained, the police vehicle transporting him stopped at Denton Bridge and Mr. Juwara was reportedly pulled out of the vehicle and badly beaten with cable wires and rubber straps until somebody shouted "*Baba Jobe, Baba Jobe, it's enough*"; he was reportedly denied any medical care while in prison, apparently by order of the Secretary of State for the Interior, Mr. Momoudou Bojang,

Considering that, according to the information supplied by the Attorney General's Chambers & Department of State for Justice, "*the Government is still looking into the issue, in order to come up with a final solution*",

Recalling that in June 1998 Mr. Juwara, together with others, was arraigned in Brikama Magistrate's Court and charged with "*conspiracy to cause unlawful damage to property*" and "*causing unlawful damage to property*" on account of "*wilful and unlawful damage to construction works at the Brikama Mosque*"; that, on 22 February 1999, the Brikama Magistrate's Court acquitted them ruling that there was no case to answer; that, however, the State filed an appeal against that judgment which was due to be heard on 27 July 1999,

Noting that, by letter dated 23 September 1999, referring to the Committee's earlier invitation to a hearing, the Attorney General's Chambers & Department of State for Justice stated that "*it was now the official position of the Gambia Government to do its utmost to endeavour to meet the Committee on the Human Rights of Parliamentarians, through the Honourable Attorney General or her representative to facilitate a direct exchange of views*" ; that, although a representative could not come to the Committee's present session, the Attorney General's Chambers & Department of State for Justice, in a letter dated 8 October 1999, reaffirmed "*its commitment to meet the Committee at a later session ...*",

Noting that, in his communication of 24 August 1999, the Speaker of the National Assembly stated that Mr. Juwara's case was before the appropriate court and therefore *sub judice*, for which reason the Assembly could not interfere,

1. *Thanks* the Speaker for his observations and the Attorney General and Secretary of State for Justice for the information and observations her Office supplied, and *greatly appreciates* the spirit of cooperation they displayed; *hopes* that a meeting with the Committee can indeed be arranged at its next session;
2. *Wishes to point out* that it is not in any way suggesting that Parliament hinder the proper functioning of the judiciary; *wishes*, however, to recall its constant position that Parliaments are guardians of human rights whose observance they must ensure by enacting legislation, guaranteeing the independent and impartial functioning of the Judiciary and overseeing the action of the Executive;
3. *Notes with* deep concern that Section 13 of Schedule 2 of the 1997 Constitution has the effect of legalising impunity in respect of crimes committed by office-holders of the AFPRC, and is thus contrary to the international human rights norms subscribed to by the Gambia, and *stresses* that Parliament, as lawmaker, is responsible for bringing national legislation into conformity with the international human rights instruments;
4. *Recalls further its concern* at the serious allegations of ill-treatment inflicted on Mr. Juwara while in police detention, and *affirms* that Parliament, in the exercise of its function of overseeing the Executive, should inquire into reported violations of human rights, such as allegations of ill-treatment of persons in police custody;
5. *Reiterates its wish* to ascertain (a) the result of the investigations instituted to punish those responsible for assaulting Mr. Juwara whose identity is seemingly known, and (b) the outcome of the appeal against the judgment of Brikama Magistrate's Court in the Brikama Mosque case;
6. *Recalls* that the Gambia is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, both of which guarantee the right to freedom from arbitrary arrest or detention and from torture and cruel, inhuman or degrading treatment or punishment; *also recalls* that Articles 9 and 6 of the Constitution of the Gambia contain the same guarantees, and *insists* therefore that the Gambian authorities, including Parliament, have a duty to ensure respect for those fundamental rights;
7. *Requests* the Secretary General to convey this resolution to the competent authorities inviting them to supply the requested information;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° GMB/03 - OMAR JALLOW - GAMBIA***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Omar Jallow, of the Gambia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking account of the information and observations supplied by the Office of the Attorney General's Chambers & Department of State for Justice on 6 July and 2 August, and by the Speaker of Parliament on 24 August 1999,

Recalling that Mr. Jallow, a former Minister and a member of the House of Representatives dissolved in 1994 who was detained without charge several times in 1994 and 1995, is banned under Decree N° 89 (Political Activities Resumption Decree, 1996) from "*participation in any political activity, sponsoring or nominating any person contesting election, contest for any election for any political or other elective office, form or participate in the formation of any political party or organisation*" which bans for an indefinite period from any such activity, among others, "*all persons who held the offices of President, Vice-President and Ministers in the Government of the Republic of the Gambia during the thirty years preceding 22 July 1994*"; *recalling* that under its Article 4, paragraph 1, "*any person who contravenes this Decree commits an offence and shall on conviction be liable to imprisonment for life*",

Recalling that, in August 1998, the parliamentary opposition tabled in Parliament an amendment to abolish that Decree by means of an Act to amend the "*Political Activities Resumption Decree*" with the express aim of bringing the law into conformity with the Constitution's fundamental human rights guarantees; that, however, it failed to obtain the requisite majority in Parliament,

Considering that, on 8 July 1999, Mr. Jallow filed a lawsuit with the High Court of the Gambia (originating summons) whereby he seeks the interpretation of Decree 89 and a declaration that he is entitled to exercise the fundamental human rights guaranteed under the Constitution of the Gambia; that the case is scheduled for hearing on 29 October 1999,

Noting that by letter dated 23 September 1999, referring to the Committee's earlier invitation to a hearing, the Attorney General's Chambers & Department of State for Justice stated that "*it was now the official position of the Gambia Government to do its utmost to endeavour to meet the Committee on the Human Rights of Parliamentarians, through the Honourable Attorney General or her representative to facilitate a direct exchange of views*" ; that, although a representative could not come to the Committee's present session, the Attorney General's

Chambers & Department of State for Justice, in a letter dated 8 October 1999, reaffirmed "*its commitment to meet the Committee at a later session ...*",

Noting that, in his communication of 24 August 1999, the Speaker of the National Assembly stated that Mr. Jallow's case was before the appropriate court and therefore *sub judice*, for which reason the Assembly could not interfere,

Bearing in mind that the Gambia is a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, both of which guarantee freedom from arbitrary arrest and detention, and freedom of expression, assembly and association; that these rights are also enshrined in the Constitution of the Gambia, Section 4 of which stipulates that "*... any other law found to be inconsistent with any provision of this Constitution shall, to the extent of its inconsistency, be void*"; *considering*, moreover, that according to Decree 31 (National Goals and Objectives Decree, 1995) the adherence to the principles and objectives of, *inter alia*, the United Nations "*shall remain the cornerstone of the Foreign Policy of the Gambia*",

1. *Thanks* the Speaker and the Attorney General and Secretary of State for Justice for their cooperation and the information they provided, and *trusts* that a meeting with the Committee can indeed be arranged at its next session;
2. *Wishes to recall* its constant position that Parliaments are guardians of human rights, whose observance they ensure by enacting legislation, guaranteeing the independent and impartial functioning of the Judiciary and overseeing the action of the Executive;
3. *Notes* that Decree 89, depriving as it does for an indefinite period specific individuals, including Mr. Jallow, of their civil and political rights, contravenes the provisions of the Constitution of the Gambia and the international human rights norms to which the Gambia has subscribed and which it has pledged to uphold; *recalls* the basic principle of law that a criminal sanction such as deprivation of political rights can only be the result of a judgment handed down by an independent and impartial court after due process of law;
4. *Calls again upon* the Gambian Parliament, as guardian of human rights, to take the necessary steps to ensure that statutory instruments are brought into conformity with constitutional and international human rights norms without further delay;
5. *Notes* that Mr. Jallow has petitioned the High Court to declare that he is entitled to enjoy the civil and political rights guaranteed to him under the Constitution, and *trusts* that the Gambian judiciary will decide on this matter in conformity with the Constitution, the supreme law of the country, and the international obligations to which the Gambia has subscribed;
6. *Reaffirms* that under Article 9, paragraph 5, of the International Covenant on Civil and Political Rights, Mr. Jallow has an enforceable right to compensation for the arbitrary arrest and detention he suffered;
7. *Requests* the Secretary General to convey this decision to the parliamentary and other competent authorities;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° GUI/01 - MAMADOU BHOYE BA) **GUINEA**
CASE N° GUI/02 - MAMADOU BARRY)
CASE N° GUI/03 - THIerno OUSMANE DIALLO)
CASE N° GUI/05 - EL-HADJ AMIATA MADY KABA)
CASE N° GUI/06 - KOUMBAFING KEÏTA)
CASE N° GUI/07 - MAMADY YÖ KOUYATE)
CASE N° GUI/08 - IBRAHIMA KALIL KEÏTA)

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of El-Hadj Amiata Mady Kaba, Ms. Koumbafing Keïta, Mr. Mamady Yö Kouyate and Mr. Ibrahima Kalil Keïta, members of the National Assembly of Guinea and opposition MPs, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Also having before it the case of Mr. Mamadou Bhoeye Ba, Mr. Mamadou Barry and Mr. Thierno Ousmane Diallo, members of the National Assembly of Guinea and opposition MPs, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the «*Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians*»,

Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), which contains a detailed outline of the case,

Considering that, according to the information on file, the current stage of investigation shows the following:

- (i) El-Hadj Amiata Mady Kaba, a member of the High Court of Justice, Ms. Koumbafing Keïta, Mr. Mamady Yö Kouyate and Mr. Ibrahima Kalil Keïta were arrested on 18 and 20 December 1998 following a peaceful demonstration to call for the release of Mr. Alpha Condé, a deputy and a candidate in the presidential election, whose case is moreover being dealt with by the Council (see case N° GUI/04); as the National Assembly was not informed of any of these arrests, they were made without the prior lifting of the parliamentary immunity of the MPs concerned; according to the sources, the MPs were held for three months in Kankan Central Prison and suffered severe physical ill-treatment during their detention; on 16 March 1999 they were sentenced by the Kankan Court of First Instance to four months' imprisonment unsuspended and fined 150,000 Guinean francs each for causing a disturbance of the peace and holding an unauthorised demonstration; it has so far not been possible to obtain the text of the judgment,
- (ii) on 24, 25 and 29 March 1998, respectively, Mr. Mamadou Bhoeye Ba, Mr. Mamadou Barry and Mr. Thierno Ousmane Diallo were arrested without the prior lifting of their

parliamentary immunity and accused of participating in or inciting a popular uprising which occurred on 23 March 1998 in the Kaporo-rail district of Conakry; the speech imputed to Mr. Ba was delivered some 400 kilometres from Conakry and more than three weeks before the event; at the close of a trial before the Conakry Court of First Instance, reportedly held *in camera* and flawed by serious irregularities, Mr. Barry and Mr. Diallo were sentenced, on 8 June 1998, to five months' unsuspended imprisonment and payment of a fine, and Mr. Ba to two months in prison; an appeal against the judgment and the sentence was lodged the next day but the court failed to act on it before the sentence had been served out; Mr. Ba, Mr. Barry and Mr. Diallo were released on 8 June, and 25 and 27 August, respectively, after serving out their sentences;

- (iii) by resolution N° 001/AN/98 of 9 June 1999, the National Assembly submitted to the Supreme Court a complaint of failure to respect constitutional legality and called for suspension of the preventive detention to which the deputies were subject; by letter of 25 June 1999, the First President of the Supreme Court informed the President of the Assembly that « *the Court can only ensure respect for constitutional legality and legality in general if it is seized in the conditions laid down by the Fundamental Law and by the Organic Law. As your letter does not fulfil these conditions, the Constitutional and Administrative Chamber cannot take any action without itself violating the rules relating to the procedure for seizure. Legality forms a whole. Had it been seized in time and in the appropriate conditions of competence, time frame, legality and form, the Court would have been in a position to react* »; the President of the Assembly protested against this position, stating in a letter of 16 July to the Chief Justice of the Supreme Court that « *while it is true that the Supreme Court can only ensure respect for constitutional legality and legality in general if it is seized in the conditions laid down by the Fundamental Law and by the Organic Law, I am nevertheless convinced that, in the case at hand, the resolution or petition of the Assembly could, in conformity with Article 52 of that same Constitution, have led to the suspension of the preventive detention or the prosecution of the persons concerned* »,
 - (iv) Article 4 of Law N° 91/14/CTRN relating to eligibility requirements stipulates that « *those who have been convicted of crimes or offences may not be elected deputies, unless they submit an act restoring their rights* »; this provision is taken up in Article L 125 of the Electoral Code providing for loss of parliamentary mandate in the event of being so convicted, at the request of the National Assembly,
 - (v) the seven deputies have resumed their seats in Parliament since the Bureau of the National Assembly did not make any application for revocation of their mandates to the Supreme Court,
 - (vi) the source nevertheless fears that those concerned may be ineligible for the legislative elections in May-June 2000,
1. *Recalls* that immunity granted to MPs is designed to enable them to exercise their mandates freely and fully and to shield them from any kind of politically motivated prosecution;
 2. *Expresses deep concern* at the arrest of the MPs concerned without the prior lifting of their parliamentary immunity on the pretext of *flagrante delicto*, and the fact that the Executive took no account of the application for suspension of the detention of Mr. Mamadou Bhoie Ba, Mr. Mamadou Barry and Mr. Thierno Ousmane Diallo made by the National Assembly in conformity with Article 52.4 of the Constitution;
 3. *Affirms* that mutual respect for the powers, prerogatives, rights and privileges of the different branches of the State is essential to the rule of law and the proper functioning of parliamentary democracy;

4. *Welcomes* the action undertaken by the National Assembly to ensure respect for constitutional legality, and *regrets* that, on the basis of procedural considerations, the Supreme Court did not see fit to rule on such a serious application so significant for observance of the rules of democratic functioning and independence of the branches of the State;
5. *Recalls* that the common understanding of a *flagrante delicto* offence or crime is that of a crime or offence being or having just been committed, the offence being *flagrante* when the person suspected is pursued by public outcry, is found in possession of objects or displays manifest traces or signs of criminal behaviour;
6. *Notes with concern* that, contrary to its duty of handing down a ruling without delay, the courts failed to rule on the appeal launched by the deputies before they had served out their terms, thus exposing them to possible ineligibility in the future, and *wishes* to receive detailed information in this respect;
7. *Requests* the Committee on the Human Rights of Parliamentarians to raise the issues pertaining to this case on the occasion of its proposed mission to Guinea;
8. *Requests* the Secretary General to inform the President of the National Assembly and the Chief Justice of the Supreme Court of Guinea of its serious concerns regarding the aforesaid points;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° GUI/04 - ALPHA CONDÉ - GUINEA***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Alpha Condé, a member of the National Assembly of Guinea, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking account of the information and observations supplied at two different hearings by members of the Guinean delegation to the 102nd Conference belonging to the majority and the minority, respectively,

Recalling that Mr. Alpha Condé, President of the *Rassemblement du Peuple de Guinée* - RPG (Guinean People's Rally), a member of the National Assembly and a candidate in the presidential elections of December 1998, was arrested on 15 December 1998 prior to the announcement of the provisional election results and without any prior lifting of his parliamentary immunity; that he was charged in January 1999 with "*attempt to cross borders, fraudulent export of foreign currency, attempt to recruit mercenaries and breach of internal and external State security*",

Considering that the following information was supplied regarding the conduct of the investigations and Mr. Condé's trial:

- According to the sources and the international press, the case was to be heard on 7 September 1999, but was adjourned; according to the members of the Guinean delegation belonging to the majority, the trial had never been set for 7 September, this being a piece of false information put out by the media; however, according to the Minister of Justice, Mr. Condé's trial is nevertheless imminent,
- Mr. Condé will be tried by a National Security Court whose composition was determined by Presidential Decree N° 99/077/PRG/SGG of 4 August 1999 and which includes military officers. According to the sources, that court does not offer the necessary guarantees of fair trial and is not competent to judge the case. According to the members of the Guinean delegation belonging to the majority, the State Security Court has jurisdiction on account of the involvement of military personnel in the crime of breach of internal and external national security of which Mr. Condé stands accused,
- According to Mr. Condé's lawyers, the procedure of the examining magistrate is known only to the State lawyers; no procedural file had been communicated to them so far. Furthermore, the lawyers say that the State lawyers have already been paid part of their fees,

Recalling that it had expressed deep concern at the fundamentally divergent accounts of the circumstances of Mr. Condé's arrest, the conditions of his detention and his state of health; that, these matters not having been clarified, the Committee on the Human Rights of Parliamentarians, at its 86th session, considered that only an on-site mission would enable it to ascertain the situation of Mr. Condé and that it had expressed the hope that such a mission would be consented to by the authorities,

Considering that, according to the information conveyed to it by the members of the Guinean delegation belonging to the majority, the National Assembly has given its tentative agreement to such a mission,

1. *Thanks* the members of the Guinean delegation for the information and observations they supplied;
2. *Considers* that, in view of the evidence on file, the grounds for an on-site mission are still valid and is therefore *gratified* at the tentative agreement of the National Assembly to an on-site mission of the Committee on the Human Rights of Parliamentarians;
3. Therefore *requests* the Secretary General to take the necessary steps with a view to organising such a mission, which it hopes can be received in the near future;
4. *Observes* that the mission's aim would be to gather information on Mr. Condé's case from the parliamentary and the competent judicial, government and administrative authorities on the one hand and, on the other, from Mr. Condé in prison, his lawyers and family, and any other suitable source of information; *points out* that, in accordance with IPU mission rules, visits to detained persons must take place in the absence of any official;
5. *Expresses deep concern* at the allegation that the procedure of the examining magistrate is known only to the State lawyers and that no procedural file has apparently been communicated so far to the defence lawyers; *recalls* that respect for the rights of the defence is an essential ingredient of the right to fair trial;
6. *Would appreciate* receiving a copy of the indictment together with information on the jurisdiction of and procedure applied by the National Security Court and their legal foundations;
7. *Requests* the Secretary General to convey this decision to the President of the National Assembly and the competent authorities;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Miguel Angel Pavón Salazar, of Honduras, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking account (i) of a communication addressed on 25 May 1999 to the President of the Supreme Court of Justice by the Vice-President of the Human Rights Committee of the National Congress of Honduras requesting information on the progress of the investigation into the assassination of Deputy Pavón Salazar and its immediate reactivation in order to "avoid putting Honduras in an embarrassing situation internationally, which would be all the more regrettable since the present Government has absolutely nothing to do with this matter", (ii) of a communication dated 14 June 1999 from the Honduran National Human Rights Commissioner which reveals, *inter alia*, that one of the main suspects, Colonel Mario Asdrubal Quiñones, supposedly a member of the former 3-16 Military Battalion (a body accused of many crimes and abuses) was released pending trial by Judge Kiler Acosta on 4 May 1998, and (iii) of a communication dated 11 October 1999 from the same source, containing various documents relating to the investigation of the case,

1. *Takes note with satisfaction* of the representation made to the President of the Supreme Court of Justice by the Vice-President of the Human Rights Committee of the National Congress of Honduras, and *wishes to ascertain* its outcome;
2. *Is perturbed* that the investigation is making no headway, and *requests* the National Congress of Honduras to ensure that it is conducted with the necessary diligence;
3. *Requests* the Secretary General to inform the parliamentary authorities and the Honduran National Human Rights Commissioner of the Committee's decision;
4. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° MAL/11 - LIM GUAN ENG - MALAYSIA***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Lim Guan Eng, of Malaysia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999); *referring also* to the report on the Committee's on-site mission conducted from 30 November to 2 December 1998,

Considering the communications from the Executive Chairman of the Malaysian Inter-Parliamentary Group and Deputy Minister of Finance, dated 26 May and 22 September 1999, and the additional observations he supplied at the hearing held on the occasion of the 102nd Conference (Berlin, October 1999),

Recalling the following evidence on file: at the time of the submission of the complaint Mr. Lim Guan Eng, a member of Parliament and Deputy Secretary General of the opposition Democratic Action Party, was charged on 28 February 1995 under the Sedition Act with prompting disaffection with the administration of justice by publicly criticising the Attorney General's handling of a statutory rape case involving a 15-year-old schoolgirl and the former Chief Minister of Malacca, Tan Sri Rahim Tamby Chik, and the decision of a court to place the alleged rape victim in "protective custody"; on 17 March 1995, he was also charged under the Printing and Presses Publications Act with publishing false information by referring to the girl as "imprisoned victim"; on 28 April 1997, the Court found him guilty of both charges and sentenced him to the maximum fine of RM 5,000 under the Sedition Act and RM 10,000 (maximum fine 20,000) under the Printing and Presses Publications Act; on 1 April 1998, the Appeal Court rejected his appeal and imposed the concurrent 18-month prison term sought by the Attorney General; on 25 August 1998, the Federal Court upheld the appeal court judgment and Mr. Lim Guan Eng was arrested forthwith and taken to Kajang prison, where he served his sentence; on 21 March 1999 the State Governor of Malacca, who acts on the advice of a Pardon Board, turned down Mr. Lim Guan Eng's petition for pardon, and on 10 April 1999 the King, who acts on the advice of the Prime Minister, turned down Mr. Lim Guan Eng's petition for a lifting of his disqualification from Parliament; as a result, Mr. Lim Guan Eng has now definitely lost his MP status and will be barred from standing for election for the next five years; he will thus be unable to participate in the forthcoming legislative elections; on 25 August 1999, Mr. Lim Guan Eng was released having been granted, like every prisoner displaying good conduct, a one-third remission of his sentence,

Recalling the following facts gathered by the Committee's on-site mission (November/December 1998) from independent sources regarding the statutory rape case: the 15-year-old girl, together with her grandmother, lodged a complaint with the police alleging the girl's rape by Tan Sri Rahim Tamby Chik, then the Malacca Chief Minister. The police, during whose investigation the girl admitted having had sexual intercourse with Tan Sri Rahim Tamby Chik and 14 other men, took her into custody. At that time, her family had no access to her for 8

days, which prompted the grandmother to turn to Mr. Lim Guan Eng for help. Mr. Lim Guan Eng then made the issue public. Women's NGOs took up the matter when the Attorney General revealed the girl's sexual background publicly and stated that, while no evidence had been found against Tan Sri Rahim Tamby Chik, such evidence existed against 14 other men who had had sexual intercourse with her. According to the sources, those 14 men were all bound over to the court and none of them were sent to prison although Malaysian criminal law provides for a mandatory minimum prison sentence of five years for all rape convictions under Section 326 of the Penal Code (statutory rape). After the Attorney General had made his public statement, police sought the approval of the girl's father to apply for a court order remanding her to a "Welfare Centre for Wayward Girls", which it obtained; midway through court hearings, however, her father withdrew his application stating that he was able to take care of his daughter, who was pregnant at the time; the court nevertheless remanded her in the Centre,

Considering the observations made in this connection by the Executive Chairman of the Group in his note of 22 September 1999 that: (a) the protective custody of the schoolgirl in a rehabilitation centre for three years was unrelated to the decision of the Attorney General not to prosecute Tan Sri Rahim Tamby Chik; (b) it was the father of the girl who had given his consent that his daughter be placed in protective custody for her own security and well-being, not for the purpose of questioning by the police; (c) the girl, too, wanted such protection; (d) neither the girl nor any other person lodged a complaint or police report regarding her imprisonment or alleging unlawful detention; (e) the court made an order for the girl to be protected in a place of refuge solely for her welfare and protection,

Recalling that the Attorney General's handling of the case had at the time given rise to criticism from many quarters, including the Prime Minister's daughter, who, in an article published in November 1994 under the title "*Whither justice ?*", described the authorities' treatment of the girl as a "*gross mockery of justice*"; *considering* that in the aforementioned note, in reference to the Committee's position that "*Mr Lim Guan Eng was far from being alone in criticising the Attorney General but was the only one to be prosecuted*" (decision adopted at its 86th session, July 1999), the Executive Chairman of the Group vehemently reiterated that "*the prosecution instituted against Lim Guan Eng is based on available admissible evidence and governed by legal consideration*",

Recalling that the Inter-Parliamentary Union had called on H. M. the King and the Governor of Malacca to lift Mr. Lim Guan Eng's disqualification from Parliament and grant him a full pardon giving him a clean slate; that the Committee's on-site mission intended to act in support of that appeal but was unable to do so since the Governor of Malacca, having invited the mission for a meeting, withdrew his invitation at the last minute and the Prime Minister was unavailable for a meeting owing to time constraints; *recalling also* that it had called on the Malaysian National Group to act in favour of that appeal; *considering* that the Malaysian authorities have so far failed to respond to the IPU's appeal in favour of Mr. Lim Guan Eng,

Considering that the Malacca Pardon Board, on whose advice the Governor must act, was composed of a representative of the Attorney General and members who all belong to parties affiliated or belonging to the ruling UMNO party, one of them being a bitter political rival of Mr. Lim Guan Eng, for which reason the sources believe that no impartial decision on Mr. Lim Guan Eng's pardon petition could be expected from such a body,

Considering the observations from the Executive Chairman of the Group supplied in a note of 22 September 1999: "*By uttering those false words, Mr. Lim Guan Eng who is possessed with the power to influence public opinion, had misled the public, destroyed the equilibrium of society and caused untold harm and injury to the peace and security of our country ... Mr. Lim Guan Eng's criticism against the court had exceeded the legitimate bounds of permissible criticism*

and has become criminal conduct producing a serious consequence as it has brought about hatred and contempt among the Malaysian populace against the Courts",

Considering also the excerpt from the judgment of the appeal court quoted in a note from the Executive Chairman of the Group dated 26 May 1999: "It is of vital importance that the public enjoy confidence in the administration of justice of which the courts form an integral part. Speeches or publications that bring the administration of justice into hatred or contempt produce a serious consequence. For they have the effect of destroying public confidence in one of the pillars of the democratic system of government ... We are not for a moment saying that no criticism is ever possible ... So long as a criticism of a judge is made bona fide, based on the fact and in conformity with law, none, least of all a judge, should mind; for there is no acquisition of knowledge without criticism ... It is only when criticism exceeds its legitimate bounds and becomes proscribed conduct that the courts will intervene ...",

Bearing finally in mind that Malaysia is a member of the United Nations and thus bound to respect the rights and freedoms guaranteed under the Universal Declaration of Human Rights, Article 19 of which enshrines the right to freedom of expression,

1. *Thanks* the Executive Chairman of the Malaysian National Group for the information and observations supplied and for his cooperation;
2. *Reiterates* its firm belief that political considerations underlay the proceedings against Mr. Lim Guan Eng for public statements made in the exercise of his parliamentary mandate and his subsequent sentencing to a heavy prison term leading to loss of his parliamentary mandate, suspension of his right to stand for election for the next five years and a ban on exercising his profession; *expresses its indignation* at this series of facts;
3. *Notes* that Mr. Lim Guan Eng, a young opposition leader, was singled out among the many people who voiced criticism, some in much stronger terms than he, of the authorities' handling of the statutory rape case that gave rise to his sentencing;
4. *Stresses* once again that, in advancing the criticism on account of which he was sentenced, Mr. Lim Guan Eng was merely exercising his right to freedom of expression and carrying out his duty as a member of Parliament; *considers* that it is essential that parliamentarians, as representatives of the people and guardians of human rights, enjoy the necessary freedom of expression to denounce what they perceive on serious grounds to be any malfunction of State administration, and *affirms* that, in denouncing such malfunction, parliamentarians are instrumental in sustaining the confidence of the people in their public institutions and authorities;
5. *Notes* that the function of oversight of the Executive attached to MPs' functions would be meaningless if it did not include the right to differ in opinion from those in power and to scrutinise their actions, including those relating to the administration of justice, and *stresses* that, in exercising their oversight function, parliamentarians are essential players in the promotion and protection of human rights;
6. *Deeply deplores* the fact that Mr. Lim Guan Eng's appeals for pardon and lifting of his disqualification from Parliament, for which more than 300,000 Malaysians had expressed their support, were turned down and that the Council's appeals to the same effect have also been unavailing;

7. *Notes* that the authorities merely released Mr. Lim Guan Eng after he had served two-thirds of his prison sentence, in accordance with the practice of granting remissions for good conduct;
8. *Feels* compelled to close the case of Mr. Lim Guan Eng since no further remedy is henceforth available to him;
9. *Deeply deplores* this state of affairs, and *calls on* the Malaysian Parliament and the Malaysian National Group to do their utmost to ensure that its members, including opposition members, may fulfil without fear of prosecution and, in particular imprisonment the mandate entrusted to them by the people.

CASE N° MAL/15 - ANWAR IBRAHIM - MALAYSIA***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking account of the written observations conveyed by the Executive Chairman of the Malaysian National Group dated 26 May and 22 September 1999, and of the additional information and observations he provided at the two hearings held on the occasion of the 102nd Conference (October 1999),

Recalling the following evidence on file: on 2 September 1998, Prime Minister Mahathir Mohamad dismissed Anwar Ibrahim, a member of the House of Representatives, from his posts of Deputy Prime Minister and Finance Minister, arguing that he was "morally unfit to govern". On 20 September 1998, Anwar Ibrahim was arrested under the Internal Security Act (ISA) and subsequently charged under the Penal Code and Emergency (Essential Powers) Ordinance 1970 with sexual misconduct and corruption, respectively. The trial of Anwar Ibrahim started on 2 November 1998; on 14 April 1999, the judge found Anwar Ibrahim guilty under the corrupt practices charge and sentenced him to six years' imprisonment,

Recalling that, prior to Anwar Ibrahim's arrest, several persons close to him were arrested and detained; Mr. Sukma Darmawan was arrested on 6 September 1998 and detained incommunicado for 13 days before his appearance in court; Munwar Anees was arrested on 14 September 1998 and held incommunicado for five days; on 19 September 1998 both men appeared in separate Session Courts in Kuala Lumpur and pleaded guilty to charges of having let Anwar Ibrahim sodomise them and were sentenced to six months' imprisonment,

Considering that Mr. Anees and Mr. Darmawan have appealed against their convictions on the ground that their guilty pleas had been coerced; in December 1998, Mr. Sukma Darmawan, in support of his appeal, lodged an affidavit to this effect, stating also that police had threatened to plant ammunition in his car and charge him with possession unless he implicated Anwar Ibrahim. In May 1999, the High Court dismissed his appeal stating that there had been no miscarriage of justice since he had admitted the facts and understood the consequence of his guilty plea,

Considering in this connection that Mr. Darmawan's guilty plea was admitted as evidence in his joint trial with Anwar Ibrahim on sodomy charges which began in July 1999; during questioning in court Mr. Darmawan testified that police humiliated him by making him

stand naked and by groping his genitals and pinching his nipples while taunting him with debasing words; he said he was given no food on the first day of detention and, though suffering from asthma, was placed wearing only underwear in a small, damp and cold cell; at one stage he was taken for a DNA test, given a painful anal examination by a doctor and photographed naked from all angles by police; he said that he could no longer stand it and "*when I said I would obey them, they removed my handcuffs, returned my clothes and became polite ... They wanted me to admit I had sex with Anwar ...*"; police denied all allegations and on 26 July the Judge ruled that the prosecution had proved beyond reasonable doubt that Mr. Darmawan's confession had been made voluntarily in that there had been no inducement, threat or promise by police; *considering also* that, according to the Chairman of the National Group, the Judge arrived at this conclusion after having held "*a trial within the trial*" to determine whether the confession had been made voluntarily,

Recalling that allegations of mental and physical pressure by police to obtain false statements were reportedly also made by Mr. Nallakarupan, a businessman and tennis partner of Anwar Ibrahim who was arrested under the ISA on 31 July 1998 after police had searched his residence in connection with an inquiry into allegations of corruption and sexual misconduct involving Anwar Ibrahim, published in May 1998 in the book entitled "*50 reasons why Anwar Ibrahim cannot become Prime Minister*",

Recalling that when, on 29 September 1998, after having been held for nine days in incommunicado detention, Anwar Ibrahim was brought before the Court for the first time, he showed visible signs of ill-treatment and lodged a formal complaint about beatings received while in custody; that during the investigations by a Royal Commission of Inquiry set up on 27 January 1999, the Inspector General of Police (IGP), Abdul Rahim Noor, admitted that he had "lost his cool" and that, acting alone and under no direction or prompting, he had assaulted Anwar Ibrahim; that, on the Commission's recommendation, charges of attempting to cause Anwar Ibrahim grievous bodily harm were brought against the IGP, who pleaded not guilty to them and was due to stand trial in September 1999; *noting* that, according to information supplied by the Chairman of the Malaysian National Group, Mr. Rahim Noor will be taken to court in February 2000; this was due to the backlog of cases and "*it would be unfair to delay other cases just because of the IGP*",

Considering that after Anwar Ibrahim's arrest, in reference to the guilty pleas of Mr. Anees and Mr. Darmawan, the Prime Minister stated at a press conference that "*... what they said was the absolute truth ... The fact is that the man (Anwar) had for years been masquerading as a religious person and yet had been committing these things not today, not yesterday, but for years ... When I discovered he was guilty of something that I cannot forgive, something that Malaysian society cannot accept ... action had to be taken*"; *noting* that, at a High Court hearing on 5 October 1998, the lead counsel for the defence, complained that senior public officials had publicly stated their view as to Anwar Ibrahim's guilt. He expressed concern that this would influence the court and deny Anwar Ibrahim a fair and impartial trial; the lead prosecutor argued that it was important to maintain freedom of speech; the Judge then entered an order that there should be no comment in the media on the innocence or guilt of the accused,

Considering that, according to the Chairman of the Malaysian Group, the Prime Minister had made those statements when the case was not yet *sub judice*; the Prime Minister had to explain why he had sacked Anwar Ibrahim,

Recalling that one of the central elements of the charges against Anwar Ibrahim was that he had directed the police to obtain retractions of allegations of sexual misconduct and sodomy which were true; the prosecution thus had extensive evidence from various witnesses to prove the veracity of those allegations; the witnesses included Umami Hafilda Ali and Azizan Abu Bakar, who had initially made the allegations, and an expert who attested the presence of semen and vaginal fluids on a mattress on which Anwar Ibrahim is alleged to have had sexual intercourse

with Shamsidar Taharin; at the end of its case in January 1999, the prosecution made an application to amend the "corrupt practices" charges; thus, the witnesses were now said to have made allegations of sexual misconduct and sodomy, but Anwar Ibrahim was no longer asserted to have committed any such acts; the trial judge accepted the amendment, arguing that the "*commission of sexual misconduct and sodomy ... is not really a substantive element to be proved*" and decided to expunge all evidence regarding the sex allegations from the file; he made this ruling without any application being made by either the prosecution or the defence for this evidence to be expunged,

Recalling its concern that this ruling of the Judge denied the defence the opportunity to rebut the evidence adduced by the prosecution and prevented Anwar Ibrahim from adducing evidence which would restore his character and image severely tarnished by the prosecution evidence; *considering* in this connection that, according to the Chairman of the Malaysian Group, Anwar Ibrahim will have the opportunity to rebut the evidence as he now stands trial on the sodomy charges; *noting* in this connection that, according to information on file, the sodomy charges of which Anwar Ibrahim is now accused are different from those raised in the previous case,

Recalling that the sources have expressed concern that throughout the trial action was taken against Anwar Ibrahim's defence team infringing international standards of fair trial; *recalling* in this connection in particular that defence counsel Zainur Zakaria had filed an affidavit in court accusing the prosecution of going out of its way to pressure S. Nallakaruppan into giving information against Anwar Ibrahim; according to the statutory statement submitted by Nallakaruppan's attorney, Manjeet Singh Dillon, the prosecutors offered to reduce the charge against Nallakaruppan if the latter would testify falsely against Anwar Ibrahim; on 30 November 1998, Judge Paul found Zainur Zakaria in contempt of court for filing a slanderous pleading and imposed a sentence of three months' imprisonment,

Considering finally that, on 10 September 1999, the judge in the sodomy trial instituted in July 1999 against Anwar Ibrahim ordered his admission to hospital as defence counsel Karpal Sing reported that an excessive level of arsenic had been discovered in Anwar Ibrahim's urine; Kuala Lumpur University Hospital (HUKM) which carried out the examination arrived at the conclusion that Anwar Ibrahim "... *developed a number of medical problems namely rapid weight loss, significant hair loss, paraesthesia, dryness of the skin and abdominal discomfort ... He did not have classical clinical signs of acute or chronic arsenic poisoning. Urine, hair and nail specimens showed arsenic levels which did not exceed the level/range that is allowed, based on the level given by the respective laboratories. Due to the persistence of his medical problems, the cause of which are not found from the common illnesses mentioned above (after thorough examination and investigations) and from the arsenic levels found in the specimens examined, it is recommended that HUKM will continue to assess and follow up on the patient's health status ...*" ,

1. *Thanks* the Executive Chairman of the Malaysian National Group for the information and observations supplied and for his cooperation;
2. *Remains deeply disturbed* at the concordant allegations of coercion of witness statements against Anwar Ibrahim; *forcefully recalls* that international human rights standards require that allegations of coercion of testimony be promptly and impartially investigated by the competent authorities including the Judge, and that they prohibit the use of evidence elicited under duress; *wishes* to ascertain the evidence adduced and the legal grounds put forward by the Judge investigating the new sodomy charges for accepting as evidence a guilty plea which, Mr. Darmawan affirmed, had been coerced;

3. *Can but consider* that the ill-treatment inflicted upon Mr. Ibrahim while he was in police custody lends credence to the allegations of coercion of witnesses' statements;
4. *Expresses deep concern* at the fact that, instead of investigating the content of an affidavit made by Mr. Nallakaruppan's lawyer attesting that prosecutors in Mr. Ibrahim's case attempted to pressure Mr. Nallakaruppan, who at the time was charged with a crime carrying the death penalty, to implicate Mr. Ibrahim, the judge charged the lawyer who brought this matter before the court with contempt of court and issued an arrest warrant against the lawyer who had made the affidavit;
5. *Fears* that such conduct may constitute a serious interference with the right of the defence to be able to defend the accused to the best of their ability, and *recalls* that respect for the rights of the defence is an essential ingredient of fair trial;
6. *Can but remain concerned* that, at the end of the prosecution's case, the corruption charges were amended in such a way that the prosecution was no longer obliged to prove sexual misconduct by Anwar Ibrahim despite the fact that it had been the subject of hearings of witnesses and presentation of evidence for over two months, and *remains concerned* that this prevented Anwar Ibrahim's defence from presenting its arguments and evidence and thus from clearing him immediately of any such unfounded accusations;
7. *Notes* that an attempt to obtain a denial of allegations defaming a person can be a criminal offence punishable with six year's imprisonment, a sentence which it considers grossly disproportionate; *expresses* its belief that Mr. Ibrahim should instead be entitled to redress for prejudice to reputation caused by such groundless accusations;
8. *Can but reiterate its fear*, in view of the evidence on file, that Anwar Ibrahim's prosecution was prompted by other than legal motives and built on a presumption of guilt;
9. *Expresses deep concern* at the conclusions of Kuala Lumpur Hospital on Anwar Ibrahim's state of health, which show that it has considerably worsened in detention, and *calls on* the authorities to release him on bail;
10. *Would appreciate* receipt of a copy of the new indictment issued against Anwar Ibrahim involving sodomy charges;
11. *Requests* the Secretary General to convey this decision to the competent Malaysian authorities, inviting them to provide their observations;
12. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

MYANMAR

Parliamentarians arrested between 1990 and 1993 and still detained:

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/36 - MYINT NAING
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/41 - ZAW MYINT
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/42 - MYA WIN
CASE N° MYN/10 - WIN HLAING	CASE N° MYN/60 - ZAW MYINT MAUNG
CASE N° MYN/13 - NAING NAING	CASE N° MYN/68 - AUNG KHIN SINT
CASE N° MYN/26 - HLA TUN	CASE N° MYN/71 - KYI MYINT
CASE N° MYN/28 - TIN AUNG AUNG	CASE N° MYN/73 - FAZAL AHMED

Parliamentarians arrested between 1996 and May 1998:

CASE N° MYN/64 - DAVID HLA MYINT	CASE N° MYN/112 - HLA WIN
CASE N° MYN/83 - KYAW MIN	CASE N° MYN/113 - AYE THAN
CASE N° MYN/84 - SOE THEIN	CASE N° MYN/114 - OHN NAING
CASE N° MYN/85 - KHUN MYINT HTUN	CASE N° MYN/115 - THEIN ZAN
CASE N° MYN/86 - AYE SAN	CASE N° MYN/116 - NYUNT HLAING
CASE N° MYN/87 - DO HTAUNG	CASE N° MYN/117 - KYAW MYINT
CASE N° MYN/88 - CHIT HTWE	CASE N° MYN/118 - THAN NYEIN
CASE N° MYN/89 - MYO NYUNT	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/100 - HLA MYINT	CASE N° MYN/120 - SAN SAN
CASE N° MYN/101 - SAW OO REH	CASE N° MYN/121 - TIN OO
CASE N° MYN/102 - HLA MIN	CASE N° MYN/122 - MIN SOE LIN
CASE N° MYN/103 - TIN AUNG	CASE N° MYN/123 - NAN KHIN HTWE MYINT
CASE N° MYN/104 - KYAW KHIN	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/105 - KYIN THEIN	CASE N° MYN/125 - MAHN KYAW NI
CASE N° MYN/106 - KYAW TIN	CASE N° MYN/126 - TUN WIN
CASE N° MYN/107 - SAN MYINT	CASE N° MYN/127 - BO HTWAY
CASE N° MYN/108 - MIN SWE	CASE N° MYN/128 - THA AUNG
CASE N° MYN/109 - THAN AUNG	CASE N° MYN/129 - KYI LWIN
CASE N° MYN/110 - TIN MIN HTUT	CASE N° MYN/130 - TIN WIN
CASE N° MYN/111 - SAW LWIN	

Since September 1998, more than a hundred MPs elect have been arrested and forty were still in detention as at October 1999

Parliamentarians deceased:

CASE N° MYN/53 - U HLA THAN	CASE N° MYN/67 - HLA PE
CASE N° MYN/55 - TIN MAUNG WIN	CASE N° MYN/72 - SAW WIN
CASE N° MYN/66 - WIN KO	CASE N° MYN/131 - HLA KHIN

Resolution adopted without a vote by the Council of the Inter-Parliamentary Union at its 165th session (Berlin, 16 October 1999)

The Inter-Parliamentary Council,

Referring to the outline of the case of the above-mentioned elected members of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Recalling that on 27 May 1990 a national election called by the then State Law and Order Restoration Council (SLORC) was held to constitute a new Parliament (Pyithu Hluttaw) and that the National League for Democracy (NLD) won 392 of the 485 seats (about 81% of total seats), all the above persons being among those elected; that, however, instead of transferring power as it had pledged before the election, SLORC ruled, in Declaration 1/90, that the duty of the elected representatives was merely to draft a new democratic Constitution and convene a "National Convention" to this end; that, under severe pressure from SLORC, the National League of Democracy participated in the Convention's work but withdrew in November 1995 thus severing whatever link there may have been between the Convention and the popular will as expressed in the 1990 elections,

Considering that, since 1990, the State Peace and Development Council (SPDC, formerly SLORC) not only systematically impeded the functioning of the National League for Democracy, in particular, but eliminated from the political process the MPs elected in 1990, first by invalidating election results, dismissing them from Parliament and banning them from future elections, by forcing them to resign, orchestrating no-confidence motions against them and finally by arresting, detaining and sentencing them under laws (such as the Emergency Provision Act, State Protection Act, Official Secrets Act, Printers and Publishers Registration Act, Unlawful Associations Act, etc.) considered by the competent United Nations human rights bodies to be in breach of international civil and political rights standards,

Recalling that the National League for Democracy, together with the Shan Nationalities League for Democracy, the Rakhine Democracy League, the Mon National Democratic Front and the Zo-me National Congress, requested the authorities to convene the Parliament and, their request being disregarded, established in September 1998 a body, the Committee representing the People's Parliament (CRPP), temporarily to represent Members of Parliament elected in 1990 and prevented by the authorities from exercising the mandate conferred on them by the people of Myanmar in the democratic elections of 1990; that, as a result of this, scores of MPs elect and other persons supporting the CRPP were arrested and detained in what the authorities called "guest houses",

Considering that the CRPP has received support from the leaders of all political parties represented in the Norwegian Parliament, from five parties represented in the Danish Parliament, from the National Assembly of Belgium, which passed a resolution announcing support for the CRPP, and from the Legislative Assembly of British Columbia, which in March 1999 urged the Canadian Government to recognise the CRPP as "the legitimate instrument of the will of the Burmese People",

Noting that, according to the sources, 40 of the elected members of the Pyithu Hluttaw were in detention as at October 1999, and *recalling* in this connection that conditions of detention in Myanmar are reported to be harsh and to include cruel disciplinary practices and torture, lack of proper medical care and insufficient food; *considering* that that Aung Min, an MP elect from Mandalay, died on 24 October 1998 while in custody at a "guest house" and that, on 31 May 1999, Hla Khin, an MP elect, died while in custody; he allegedly committed suicide owing, the authorities stated, to alcohol addiction; *recalling further* in this connection the death in prison of Tin Maung Win, Hla Tan and Saw Win in January 1991, August 1996 and August 1998, respectively,

Bearing in mind the consistent appeals made by the United Nations General Assembly and Commission on Human Rights in their resolutions on the human rights situation in Myanmar to the authorities of Myanmar, urging them to "*take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a substantive dialogue with the leaders of political parties and the ethnic minorities ... to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives and to release immediately and unconditionally those detained for political reasons*",

1. *Regrets* that the authorities of Myanmar have not replied to the requests for information addressed to them;
2. *Strongly condemns* the continuing deliberate policy of the Government of the Union of Myanmar to disregard the outcome of the 1990 elections and its unwillingness to hand over power to those democratically elected, and *reaffirms* that its refusal to convene the Parliament elected in 1990 constitutes a violation of the principle established in Article 21 of the Universal Declaration of Human Rights that "*the will of the people shall be the basis of the authority of government*";
3. *Reaffirms* that in demanding that Parliament be convened and in setting up the "*Committee representing the People's Parliament*", the MPs elect are merely defending the rights of their constituents to take part in the conduct of public affairs through representatives of their choice, as guaranteed under Article 21 of the Universal Declaration of Human Rights, and exercising their right to discharge the mandate entrusted to them in 1990;
4. *Calls again on* its member Parliaments to press for respect for democratic principles in Myanmar and show, by whatever means they deem appropriate, particularly through support for the "*Committee representing the People's Parliament*", their solidarity with their colleagues from the Pyithu Hluttaw elected in 1990, and *invites* member Parliaments to inform it of any steps they may take to that effect;
5. *Is gravely concerned* at the death of yet two more MPs elect in detention and the allegation that this may be the result of the harsh conditions under which they are held, and *wishes to ascertain* the exact circumstances of their death;
6. *Strongly urges* the authorities to release immediately and unconditionally all MPs elect detained for political reasons and to put an immediate end to all practices aimed at preventing the MPs elect from engaging in any political activity;
7. *Formally reiterates* its wish to send a mission to the Union of Myanmar;
8. *Requests* the Secretary General to convey this resolution to the authorities of Myanmar together with the invitation of the Committee to send a representative, for the purpose of initiating a dialogue with it, to its next session (January 2000);
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° NIG/48 - O. J. ADEWUNMI - NIGERIA***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Senator Adewunmi, of Nigeria, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Recalling that Senator Adewunmi was arrested in 1995 during the period of the military junta of General Sani Abacha under the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Decree N° 18 of 1994 and held in detention in Ikoyi Prison; that he was ill when arrested and that his health has reportedly worsened for want of any medical facilities in prison; *recalling also* that, according to one of the sources, General Abacha's regime held bank directors and managers under this Decree for political reasons, as alleged in Mr. Adewunmi's case,

Considering that, in June 1999, the Nigeria High Commission in Canada informed the President of the Canadian Inter-Parliamentary Group that Mr. Adewunmi's case was already under investigation following a judicial decision and would be concluded shortly, together with other cases joined to it; that, however, no information has reached it as to the release or trial of Mr. Adewunmi,

Bearing in mind that Nigeria is a party to the International Covenant on Civil and Political Rights, Article 9 of which guarantees the right of anyone detained to trial within a reasonable time or to release,

1. *Notes* that Mr. Adewunmi may have been released and *requests* the Secretary General to seek confirmation of this, in particular from the Nigerian Parliament, which is once more a member of the IPU;
2. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this matter in the light of the information obtained and to report to it at its next session (April-May 2000).

CASE N° MOL/01 - ILIE ILASCU - REPUBLIC OF MOLDOVA***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Having before it the case of Mr. Ilie Ilascu, a member of the Parliament of Moldova, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the "*Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians*",

Taking note of the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), which contains a detailed outline of the case,

Taking account of the information and observations supplied by the delegations of the Republic of Moldova and the Federation of Russia to the 102nd IPU Conference (October 1999),

Considering that Mr. Ilie Ilascu, an elected member of the Parliament of the Republic of Moldova since 1994, and five others were arrested in 1992 in Tiraspol, the capital of the self-proclaimed Transdnestr Republic; that they were charged with the murder of two "civil servants" and secessionist "authorities" and with terrorist activities; *noting* that this accusation has to be seen in the context of the civil war which took place following the Republic of Moldova's declaration of independence and the ensuing secession of Transdnestr, a region controlled by a population of Russian origin,

Noting that the Republic of Transdnestr is not recognised by any State and that under international law its territory is part of the Republic of Moldova,

Considering that, at the close of a trial which took place from 23 April to 9 December 1993 and during which, according to the source, the most fundamental rules of fair trial were violated, Mr. Ilascu was sentenced to death; *noting* that the source observes that the trial took place against a background of war, extreme political tension and an atmosphere of passion and sometimes hatred,

Noting that following a mission in 1994 composed of international experts, the Council of Europe held it as established beyond doubt that fundamental flaws in the investigation and court procedures in this case amounted to a denial of fair trial to the defendants and that the Council of Europe has since consistently considered that Mr. Ilascu and his colleagues can only be tried by an independent and impartial court, established by law, in conformity with the Constitution of the Republic of Moldova and international law,

Considering that, on 3 February 1994, the Supreme Court of the Republic of Moldova examined an appeal against the sentencing of Mr. Ilie Ilascu and his co-accused and decided to quash the sentence and order the release of Mr. Ilascu and the others; *considering* that this judgment has never been carried out,

Considering that, according to the source, Mr. Ilascu was subjected to physical and mental ill-treatment, in particular mock executions; that he is reportedly held under harsh conditions which are said to have worsened in recent months: thus since March 1999, Mr. Ilascu has been denied his right to meet with his wife and family members and was denied access to the media from the Republic of Moldova; that Mr. Ilascu's state of health is fast deteriorating as he is suffering from acute arthritis in a leg and cannot walk normally; his eyesight and gums are severely affected; *considering* that, according to the source, he does not receive the medical treatment he needs; *noting* in this connection that, on 28 September 1999, the President of the Parliamentary Assembly of the Council of Europe called on the separatist authorities of Transdnestr to permit a visit by the International Committee of the Red Cross (ICRC) to Mr. Ilascu and his colleagues,

1. *Is indignant* at Mr. Ilie Ilascu's trial, sentencing and imprisonment;
2. *Notes* that Mr. Ilie Ilascu is in prison as result of a verdict which, having been handed down by an organ of a territorial entity not recognised by the international community, lacks any legal basis and must be considered null and void;
3. *Fully supports* the Council of Europe's view that Mr. Ilascu and his colleagues can only be tried by an independent and impartial court, established by law, in conformity with the Constitution of the Republic of Moldova and international law;
4. *Is deeply concerned* at the conditions under which Mr. Ilascu and the others are detained and joins the Parliamentary Assembly of the Council of Europe in its call for the ICRC to be permitted to visit Mr. Ilascu;
5. *Requests* the Secretary General to make all possible representations, particularly to the parliamentary authorities of the Russian Federation in order to ensure that Mr. Ilascu is brought before a competent, independent and impartial tribunal;
6. Requests the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

TURKEY

CASE N° TK/39 - LEYLA ZANA

CASE N° TK/40 - SEDAT YURTDAS

CASE N° TK/41 - HATIP DICLE

CASE N° TK/42 - ZÜBEYİR AYDAR

CASE N° TK/43 - MAHMUT ALINAK

CASE N° TK/44 - AHMET TÜRK

CASE N° TK/48 - SIRRI SAKIK

CASE N° TK/51 - ORHAN DOGAN

CASE N° TK/52 - SELIM SADAK

CASE N° TK/53 - NIZAMETTİN TOĞUÇ

CASE N° TK/55 - MEHMET SINÇAR

CASE N° TK/57 - MAHMUT KILINÇ

CASE N° TK/58 - NAİF GÜNES

CASE N° TK/59 - ALI YIGİT

CASE N° TK/62 - REMZİ KARTAL

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)*

The Inter-Parliamentary Council,

Referring to the outline of the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Taking account of the information and observations supplied by members of the Turkish delegation to the 102nd IPU Conference (October 1999), in addition to information supplied by one of the sources in July 1999,

Recalling the following evidence on file:

- On 2 March 1994, the Turkish Grand National Assembly (TGNA) lifted the parliamentary immunity of Ms. Zana, Mr. Dicle; Mr. Türk, Mr. Sakik, Mr. Dogan, Mr. Sadak and Mr. Alinak, leading to their arrest and prosecution for separatism under Article 125 of the Turkish Penal Code; on 16 June 1994 the Constitutional Court dissolved their party, the Democracy Party (DEP), as a result of which all but three MPs belonging to that party lost their parliamentary seats; Mr. Toğuç, Mr. Kiliñç, Mr. Günes, Mr. Yigit and Mr. Kartal fled abroad and were subsequently also accused of separatism;
- On 8 December 1994, Ankara State Security Court found Ms. Zana, Mr. Dicle, Mr. Türk, Mr. Dogan and Mr. Sadak guilty of membership of an armed organisation and sentenced them to 15 years' imprisonment. Mr. Yurtdas was found guilty of having provided support to an armed organisation and sentenced to 7 years and 6 months' imprisonment. Mr. Alinak and Mr. Sakik were found guilty of separatist propaganda and sentenced to 3 years and 6 months' imprisonment and to a fine of 70 million Turkish Pounds. As a result of the sentence, they are deprived of their political rights for life and Mr. Alinak and Mr. Yurtdas, both lawyers, are debarred for life from exercising their profession;

- The MPs concerned were held for 14 days in police custody before being placed in pre-trial detention; according to their lawyers, witnesses were questioned by the Prosecutor General alone and their statements submitted to Ankara State Security Court, which did not hear a single witness during the trial, with the result that defence counsel were unable to put questions to the witnesses and no defence request was admitted by the Court; the defence thus had no influence at any stage of the trial;
- Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak, who are currently serving the 15-year prison sentence imposed on them in December 1994, were never accused of any acts of violence or advocacy of violence; the verdict relied heavily on the deputies' public speeches and writings quoted in the indictment (in which they repeatedly assert that the Kurdish minority is a group with a distinct identity but do not advocate violence) as evidence of their membership of the PKK; that the acts relied on in the judgment as evidence of PKK membership include a press statement in connection with the taking of the parliamentary oath; the "*wearing of yellow, green and red accessories*" while taking the oath; a public statement to the United Nations on 2 April 1992 calling for an investigation into the killing of civilians during disturbances at the time of *Newruz*, the Kurdish New Year, on 21 March 1992; and a petition of 20 November 1991 to the Conference on Security and Cooperation in Europe calling for that organisation to appoint a body to monitor human rights in Turkey;
- Contacts which Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak reportedly had with PKK members, and in particular with Mr. Abdullah Öcalan, were considered by Ankara State Security Court, *inter alia*, as proof of their membership of the PKK; some of them had indeed admitted having met Mr. Öcalan in Damascus in early 1993, but with the blessing of the then Head of State, Mr. Turgut Özal; on 18 September 1992, *Hürriyet* published an article entitled "*Özal calls for a ceasefire*" concerning a meeting between President Özal and Mr. Alinak, Mr. Sakik and Mr. Dogan at which the subject of expected contacts between the HEP deputies and the leader of the PKK had been raised; articles published in June 1999 in the *Hürriyet*, *Sabah* and *Özgür Politika* also refer to the 1993 negotiations between the Turkish Government and the PKK,

Considering that, at its hearing with the Committee, the Turkish delegation made ample reference to the alleged visits to and training of the MPs concerned, in particular Ms. Zana, in PKK camps; *recalling* in this connection that, according to the defence lawyers, that accusation was based on testimony given by so-called "confessors", former members of the PKK captured by the security forces who repented and, in exchange for information about the PKK and its members, received shorter sentences; that, moreover, the Court refused to check the alibis of the MPs accused of having visited such camps,

Considering that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak have now served 5 years of the 15-year prison sentence imposed on them; that, according to their lawyers, had they been sentenced by an ordinary court, they would be granted a remission of sentence and be released after 6 years; however, having been sentenced by a State Security Court, they will have to serve at least 12 years,

Noting in this connection that, following a ruling by the European Court of Human Rights that courts comprising military judges do not meet the criteria of an independent and impartial tribunal as required under Article 6 of the European Convention on Human Rights, the Turkish Constitution was amended on 1 January 1999 to comply with the ruling of the Court so that armed forces members no longer sit on Turkish courts,

Considering that in 1998 Ms. Zana was sentenced to a further one-year prison term, reportedly for an article she published in late 1997 in a HADEP Party paper; that the Court reportedly held that using the word "Kurds" constituted incitement to hatred,

Further considering that Mr. Hatip Dicle was sentenced to an additional 10 years in prison for articles he published while in prison; that 14 proceedings under Section 8 of the Anti-Terrorism Law or Article 312 of the Penal Code were still pending against him, each of which carries a prison sentence ranging from 1 to 3 years,

Considering that, on 8 February 1999, the Turkish Grand National Assembly voted an amnesty law which suspends the execution of these additional sentences handed down on Mr. Dicle and Ms. Zana so long as they do not repeat any such statements; *considering also* that, according to the delegation, the amnesty law does not cover the sentences handed down on the deputies concerned in December 1994, so that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak will not only remain in prison but will also remain deprived of their political rights for life, while Mr. Alinak and Mr. Yurtdas, both lawyers, remain debarred for life from exercising their profession,

Considering that, according to lawyers of the former MPs concerned, their conditions of detention are adequate, although for the past year they have no longer been allowed to meet their families in "open" meetings; that, however, the state of health of Ms. Zana, who suffers from a serious illness, is worsening on account of her imprisonment and the fact that she is unable to receive the medical treatment she needs,

Considering that, subsequent to the visit of a US congressman to Ms. Zana, the authorities offered her an amnesty which she refused, stating that she would not leave the prison without her imprisoned colleagues,

Recalling also that the case of Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak is still pending before the European Court of Human Rights,

Mindful of the construction placed on the right to freedom of expression by that Court, in particular in *Handyside v. UK* (1976), whereby this right is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive but also to those that offend, shock or disturb the State or any sector of the population; that such are the demands of that pluralism, tolerance and broadmindedness without which there can be no "democratic society",

1. *Thanks* the Turkish delegation for the information and observations it supplied;
2. *Is profoundly dismayed* that the Turkish Grand National Assembly fails to take into consideration the constant appeals the IPU has made to it in favour of an amnesty for these former MPs;
3. Remains *convinced*, in the light of the evidence on file, that they were found guilty and sentenced on account of having exercised their freedom of expression in advocating a political solution to the conflict in south-eastern Turkey;
4. *Notes* that, as a result of the amnesty law, the sentences handed down on Mr. Dicle and Ms. Zana for articles they published while in prison were suspended;
5. *Notes with concern* that those sentences will nevertheless be reapplied in the event of any repetition of such statements, which it considers tantamount to an unwarranted restriction of their freedom of expression;

6. *Solemnly reiterates* its appeal to grant these former MPs, including those in exile, an amnesty, which, it is convinced, would clearly exemplify the stated will of the Turkish authorities to promote and respect human rights;
7. *Requests* the Secretary General to bring this decision to the attention of the Turkish parliamentary authorities;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000).

CASE N° TK/63 - HASAN MEZARCI - TURKEY

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union
at its 165th session (Berlin, 16 October 1999)***

The Inter-Parliamentary Council,

Referring to the outline of the case of Mr. Hasan Mezarci, a former member of the Turkish Grand National Assembly, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/165/12(b)-R.1), and to the relevant resolution adopted at its 164th session (April 1999),

Considering that no further information has been notified to it, either by the authorities or by the sources, concerning Mr. Mezarci's present situation,

1. *Requests* the Secretary General to resume contact with the authorities and the sources;
2. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April-May 2000) in the light of such information as may have been obtained.