

# RESULTS

## OF THE 105<sup>th</sup> CONFERENCE AND RELATED MEETINGS OF THE INTER-PARLIAMENTARY UNION

*HAVANA (CUBA)  
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## I. 105<sup>th</sup> Inter-Parliamentary Conference<sup>1</sup>

The proceedings of the 105<sup>th</sup> Inter-Parliamentary Conference began at the Havana Convention Centre on the morning of Monday, 2 April 2001 with the election by acclamation of Mr. Ricardo Alarcón de Quesada, President of the National Assembly of the People's Power of Cuba, as President of the Conference.

In the afternoon of 5 April, during the General Debate on the political, economic and social situation in the world, the Conference was addressed by His Excellency the President of the Council of State and the Council of Ministers of the Republic of Cuba, Mr. Fidel Castro Ruz, who spoke of the political, economic and social developments in the world since 1981, when the IPU had last met in Cuba. The President placed particular emphasis on the situation of the developing countries, noting that over the past two decades, the gap between the poor and the rich had widened dramatically. He described the difficulties facing his country as a result of the embargo imposed since 1959, and the measures taken over the previous ten years during what was known as the special period.

### 1. Inaugural Ceremony

The 105<sup>th</sup> Inter-Parliamentary Conference was inaugurated on 1 April at a ceremony in the Plenary Hall of the Havana Convention Centre in the presence of His Excellency Mr. Fidel Castro Ruz. Inaugural addresses were delivered by Mr. Ricardo Alarcón de Quesada, Sir Kieran Prendergast, Under-Secretary-General for Political Affairs and Representative of the Secretary-General of the United Nations, and Dr. N. Heptulla, President of the Council of the Inter-Parliamentary Union. The ceremony concluded with an address by the President of the Council of State, who declared the 105<sup>th</sup> Inter-Parliamentary Conference officially open.

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<sup>1</sup> The resolutions and reports referred to in this document and general information on the Havana session are available on the IPU web site ([www.ipu.org](http://www.ipu.org)).

## 2. Participation

Delegations of the Parliaments of the following 123 countries took part in the work of the Conference<sup>2</sup>: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan<sup>3</sup>, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, 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) United Nations system: United Nations, United Nations Development Programme (UNDP), United Nations Office of the High Commissioner for Human Rights (UNHCHR), United Nations High Commission for Refugees (UNHCR), United Nations Volunteers (UNV), Food and Agriculture Organization (FAO), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO); (iii) African Parliamentary Union (APU), Amazonian Parliament, Arab Inter-Parliamentary Union,

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<sup>2</sup> For the complete list of IPU membership, see page 20.

<sup>3</sup> Reaffiliated to the IPU on the occasion of the 105<sup>th</sup> Conference of the Inter-Parliamentary Union.

ASEAN Inter-Parliamentary Organisation (AIPO), Assemblée parlementaire de la Francophonie (APF), Assembly of the Western European Union (WEU), Association of European Parliamentarians for (Southern) Africa (AWEPA), Maghreb Consultative Council, Nordic Council, Parliamentary Association for Euro-Arab Cooperation (PAEAC), Parliamentary Union of the OIC States (PUOICM); (iv) International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies, and the World Federation for United Nations Associations (WFUNA).

Furthermore, national parliaments from the following three countries were represented as observers with a view to future affiliation: Belize, Dominican Republic, Haiti.

Of the total of 1,271 delegates who attended the Conference, 688 were members of national parliaments and 44 were observers. The parliamentarians included 37 presiding officers of parliament, 38 deputy presiding officers and 157 women parliamentarians (22.8%).

### 3. Choice of a Supplementary Item

The Conference had before it seven requests for the inclusion of a supplementary item presented by the delegations of Cuba, Iraq, Japan, France, the Islamic Republic of Iran, Lao People's Democratic Republic and Spain.

By the start of the first sitting of the Conference on the morning of 2 April, two delegations had withdrawn their proposals: Lao People's Democratic Republic: *The role of parliaments in ensuring equitable socio-economic development of land-locked developing countries*; and Spain: *Parliamentary actions and initiatives to promote effective support measures for disaster-stricken countries*.

At the beginning of the consideration of this item, and after taking the floor, the delegation of Iraq communicated in a note to the Presidency that it was withdrawing its proposal: *The right of States to appeal to an international juridical body against Security Council resolutions on global economic sanctions under Chapter VII of the United Nations Charter*, in support of the Cuban proposal. The delegation of the Islamic Republic of Iran took the floor to withdraw its proposal: *Parliamentary action to combat international terrorism and organised crime, in particular the production and trafficking of drugs, as a prerequisite for international peace and security at the dawn of the Third Millennium*, and expressed the hope that its request would be

included as one of the items of the 106<sup>th</sup> Conference agenda.

Following statements by the authors of the three remaining proposals, a vote was held by roll call with the following outcome:

- The item proposed by the Parliament of Cuba entitled: *Contribution of the world's parliaments to the struggle against terrorism, in conformity with resolution 55/158 of the United Nations General Assembly*: 1,229 votes to 59, with 265 abstentions (see page 33 for the details of the vote);
- The item proposed by the Parliament of Japan entitled: *The urgent need for parliamentarians to take an uncompromising look at the worst forms of child labour, to consider counter-measures enforceable by the entire international community and to awaken public opinion as the first step towards the prohibition and elimination of such labour*: 822 votes to 236, with 477 abstentions (see page 34 for the details of the vote);
- The item proposed by the Parliament of France entitled: *Safety in shipping and ways to curb the rise in acts of piracy and ecological disasters*: 949 votes to 244, with 336 abstentions (see page 35 for the details of the vote);

The proposal of the Parliament of Cuba, having received both the necessary two-thirds majority and the highest number of affirmative votes, was added to the agenda as item 7 (see 5(d) below).

### 4. Choice of an Emergency Supplementary Item

At the beginning of the sitting on Monday afternoon, the Conference examined a proposal from the delegation of Germany for an emergency supplementary item to be considered by the Conference entitled: *International action to meet the emergency situation in Afghanistan, compounded by the recent destruction of cultural heritage by the Taliban*.

Following statements by representatives of the delegations of Germany and the Syrian Arab Republic, the proposal was put to the vote with the following result: 984 votes for and 365 abstentions (see page 36 for the details of the vote).

The proposal of the German delegation, having received the required four-fifths majority, was added to the agenda as item 8 (see 5(e) below).

## 5. 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, 2 April, all day on Tuesday, 3 April, on the afternoon of Wednesday, 4 April and all day on Thursday, 5 April. A total of 147 speakers from 124 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: Algeria, Bolivia, Cape Verde, Germany, Luxembourg, Morocco, Panama, Sri Lanka, Syrian Arab Republic and Zimbabwe.

Furthermore, during the afternoon sitting of Monday, 2 April, the Conference heard a keynote speech delivered by Mrs. S. Capeling-Alakija, Executive Co-ordinator of the United Nations Volunteers.

### (b) Securing observance of the principles of international law in the interests of world peace and security (Item 4)

This item was considered on 3 and 5 April by the First Committee (Political Questions, International Security and Disarmament), that met in two sittings with its President, Mr. A.H. Hanadzlah (Malaysia), in the chair. The Committee had before it nine memoranda submitted by the delegations of Argentina, Australia, Chile, Congo, Japan, Egypt, France and Venezuela, and by the Parliamentary Assembly of the Council of Europe. The Committee also had before it 20 draft resolutions submitted by the delegations of Australia, Canada, Cuba, Egypt, Estonia, France, Gabon, Germany, Indonesia, the Islamic Republic of Iran, Japan, Kuwait, Philippines, Republic of Korea, Romania, Sudan, Switzerland, United Kingdom, Venezuela, and by the Meeting of Women Parliamentarians. The delegation of Iraq submitted an amendment to the draft resolution submitted by the delegation of Egypt.

Mr. A. Luethold, Deputy Chief of the International Organisations Division of the International Committee of the Red Cross, addressed the Committee on the subject of international humanitarian law. The ICRC also submitted an information document.

A total of 71 speakers from 59 countries took the floor in the two sessions. The meeting also heard statements from 1 associate member and 2 observers. Thereafter, the Committee appointed a drafting committee composed of representatives from Algeria, Australia, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Nigeria, Panama, South Africa, Switzerland and the United Kingdom. The drafting committee, after electing Mr. T. Paez (Cuba) as its chairman and Mr. J. McKiernan (Australia) as its rapporteur, met throughout the day on 4 April. It used the draft resolution prepared by the delegation of Egypt as the basis for its deliberations but also drew extensively on many of the other texts before it and on the proposals and ideas put forward during the debate in Committee. The consolidated draft was adopted without a vote.

During its sitting on 5 April, the First Committee heard the report by Mr. McKiernan on the work of the drafting committee and examined the text paragraph by paragraph. On behalf of the Meeting of Women Parliamentarians, a representative from Norway suggested an amendment that was accepted without a vote. An amendment introduced by a representative from the Islamic Republic of Iran was also accepted without a vote, as was an amendment submitted by a delegate from New Zealand dealing with a ban on the transport of weapons of mass destruction (operative paragraph 7). Two additional votes were also taken. One referred to the paragraph dealing with humanitarian intervention (operative paragraph 1), while the other related to the establishment of a task force to elaborate an instrument of humanitarian law concerning sanctions; both amendments were rejected.

On the afternoon of 6 April, Mr. McKiernan submitted the First Committee's draft resolution to the Conference. The resolution was adopted by consensus (see page 23 for the text of the resolution). After its adoption, a member of the delegation of Germany stated that the delegation had proposed an amendment to expand the first part of the draft resolution but, in order to save time, had not pressed it in the plenary. The German delegation requested that the following text be placed in the record: "Non-conformity with internationally accepted human rights accords cannot be justified by referring to the principle of non-interference if there is a clear legal basis or international responsibility for human rights".

**(c) Education and culture as essential factors in promoting the participation of men and women in political life and as prerequisites for the development of peoples (Item 5)**

This item was considered on 4 and 6 April by the Fourth Committee (Education, Science, Culture and Environment). The proceedings of this Committee were chaired by its President, Mr. J.A. Coloma (Chile). It had before it 13 memoranda submitted by the delegations of Australia, Canada, Chile, Congo, Egypt, Estonia, Finland, India, Iraq, Japan, Russian Federation, Venezuela, and the Parliamentary Assembly of the Council of Europe, as well as an information document submitted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and 18 draft resolutions submitted by the delegations of the parliaments of the following countries: Germany, Australia, Canada, Chile, Congo, Cuba, Egypt, Estonia, India, Indonesia, Iraq,

Japan, Kuwait, Philippines, Republic of Korea, United Kingdom, Sudan and Venezuela.

A total of 66 speakers from 61 countries and one observer took part in the debate held throughout the day of 4 April. During the debate, the Committee appointed a drafting committee comprising representatives of the parliaments of the following countries: Australia, Benin, Cuba, Egypt, Finland, Germany, Japan, Namibia, Republic of Korea, Uruguay and Zambia. At the invitation of the Committee President, the UNESCO representatives participated as advisers. The drafting committee, after electing Mrs. J. Moylan (Australia) as its chairman and Mrs. F. Al-Refaie (Egypt) as rapporteur, met on 5 April. It took the draft resolution submitted by the delegation of Germany as a basis for its work but also drew extensively on many of the other texts before it and on the proposals and ideas put forward during the debate in Committee. The resulting consolidated draft was adopted without a vote.

On the morning of 6 April, the Fourth Committee examined the text submitted to it by the drafting committee and incorporated several amendments, one of which gave rise to a vote. Subsequently, it adopted the draft resolution as a whole without a vote.

In the afternoon of 6 April, Mrs. Al-Refaie submitted the Fourth Committee's draft resolution to the 105<sup>th</sup> Conference, which adopted it by consensus (see page 27 for the text of the resolution).

**(d) Contribution of the world's parliaments to the struggle against terrorism, in conformity with resolution 55/158 of the United Nations General Assembly (Item 7)**

Having decided to add this item to its agenda, the Conference referred it to the First Study Committee (Political Questions, International Security and Disarmament), which examined it on 4 April with its President, Mr. A.H. Hanadzlah (Malaysia), in the chair. The Committee had before it one draft resolution submitted by the delegation of Cuba, the author of the initial proposal for the supplementary item.

On the morning of 4 April, the Committee held a debate on this item, in which 28 speakers from 26 countries took part. At the end of the debate, the Committee appointed a drafting committee composed of delegates from Algeria, Australia, Bangladesh, Bulgaria, Cuba, Morocco, Niger, Republic of Korea, Sri Lanka, Sudan and United



Kingdom. The drafting committee met on the morning of 5 April and began its work by electing Mr. A. Somlyay (Australia) as chairman and Mr. A. El Kadiri (Morocco) as rapporteur. Working on the basis of the Cuban draft, the committee arrived at a consolidated text, which was approved without dissent.

On the morning of 6 April, the First Study Committee heard the report of Mr. El Kadiri and adopted one amendment to the draft text. The modified draft resolution was approved without a vote. On the afternoon of the same day, the rapporteur submitted the draft text to the final plenary sitting of the Conference, which adopted it by consensus (see page 36 for the text of the resolution).

**(e) International action to meet the emergency situation in Afghanistan, compounded by the recent destruction of cultural heritage by the Taliban (Item 8)**

At its sitting on 2 April, the Conference decided to include this item on its agenda as an emergency supplementary item. It then decided that it would be referred to a drafting committee chaired by a member of the Conference steering committee and composed of representatives of the various geopolitical groups as well as a representative of Germany, the sponsor of the item. The group of Latin American and Caribbean countries did not nominate a representative and the committee thus comprised representatives of the following parliaments: Algeria, France, Germany, India, Jordan, Kazakhstan and Kenya.

The committee met on 3 April with Mrs B. Mugo (Kenya) in the chair and Mrs. A. Koester-Lossack (Germany) as rapporteur. It reviewed the disquieting situation in Afghanistan characterised by widespread violations of human rights and international humanitarian law. Members also expressed grave concern over the destruction of humankind's cultural heritage in Afghanistan and called for action by member States of the United Nations to take more stringent measures to ensure that the Taliban regime complied with internationally accepted norms.

The committee had before it a draft resolution presented by the delegation of Germany. It scrutinised this draft, amending and enriching it with proposals from a number of its members. The amended text was then adopted unanimously for submission to the Conference.

At its sitting in the afternoon of 6 April, the Conference examined and adopted this draft resolution by consensus (see page 39 for the text of the resolution).

**(f) Amendments to the Statutes and Rules of the Inter-Parliamentary Union (Item 6)**

At its sitting on 6 April, the Conference adopted the amendments to the Statutes, as proposed by the Council, which are designed to reflect more adequately the existing institutional link between the national parliaments of sovereign States and the IPU as their world organisation.

## **II. 168<sup>th</sup> Session of the Council of the Inter-Parliamentary Union**

The Council of the Inter-Parliamentary Union held its 168<sup>th</sup> session at the Havana Convention Centre on 2 and 7 April 2001 with its President, Dr. N. Heptulla (India), in the chair.

The Council took note of the written and oral reports by Dr. Heptulla on her work undertaken on behalf of IPU since the 167<sup>th</sup> session in October 2000. The Council also noted an oral report by the President on the deliberations of the Executive Committee during its 232<sup>nd</sup> and 233<sup>rd</sup> sessions held in New Delhi and Havana respectively (see page 14 for a summary on the 233<sup>rd</sup> session). The Council also noted the report of the Secretary General on the activities of the Union for the year 2000, copies of which may be obtained from the Secretariat of the IPU.

### **1. Membership of the Union**

The Council decided, on the recommendation of the Executive Committee, to reaffiliate the Parliament of the Sudan to the Union. Consequently, the Union comprises 141 Member Parliaments and five international parliamentary assemblies as Associate Members (see page 20 for the membership of the Union).

### **2. Financial Results for 2000**

The Council had before it the financial results of the Union for 2000 and the report of the External Auditor. It heard the report by its own Auditors, Mrs. B. Mbete (South Africa) and Mr. I. Fjuk

(Estonia), presented by the latter. Having noted the clarifications offered by Mr. Fjuk and by the Secretary General in response to several delegations, the Council approved the Union's accounts for 2000 and the Secretary General's financial administration for that year.

### 3. Financial Situation of the Union

The Council took note of the concerns expressed by several delegations during the discussion on Financial Results for 2000 about the effects of the budget deficits of recent years on the financial situation of the Union as a result of non-payment of contributions by the United States Congress. It noted that after 2001 no further drawings from the Working Capital Fund to compensate for the absence of the US contribution could be allowed and that the scale of assessments for the budget for 2002 would therefore have to be established without including the United States Congress. Also noting that certain members had stated that they would not be able to afford a corresponding increase in their contributions, the Council directed the Executive Committee to propose a budget and a scale of assessments for 2002 that took account of the concerns expressed. The Secretary General was requested to pursue contacts with individual parliaments to explore the possibilities of voluntary increases in their contributions.

### 4. Construction of New Headquarters for the Union in Geneva

The Council received a progress report on the project from which it noted that the construction loan from the Federal Government of Switzerland had been approved by the Finance Committee of the Federal Parliament on 14<sup>th</sup> March 2001 and that the building permit had been issued by the Geneva Cantonal Authorities in the last week of March 2001. It also noted that some basic work which could be done without waiting for delivery of the building permit had been completed with funds advanced by the Department of Housing and Infrastructure of the Canton of Geneva and that the same department had also agreed to advance further funds for renovation work on the outside of the existing building, pending release of the construction loan by the Federal Government.

The Council took note of the escalation of construction costs in Geneva since the original construction budget of SF. 9.5 million was approved in 1998. It noted that the nature of the project had been transformed, for unavoidable reasons, from an entirely new construction to the renovation of an

old residence, together with building an extension. Due to those reasons, the costs would inevitably exceed the set budget and, even after some savings realised through a public bidding process for the supply of goods and services, the project was likely to cost up to a maximum of SF. 11 million.

The delegation of Switzerland made a declaration to the effect that the responsibility of the Swiss Federal Government vis-à-vis the project was limited to providing the construction loan requested by the Union. Following interventions by the delegations of Australia, Botswana, China, Ghana, Sweden and the United Kingdom and the explanations given by the Secretary General, and having heard the reservations expressed by a delegate from the United Kingdom about proceeding with the project, the Council expressed its gratitude to the Federal Parliament and the Government of Switzerland for their continued and strong backing for the building of a new headquarters for the Union in Geneva, to the authorities of the Canton of Geneva for their generous support and to the Foundation for Buildings for International Organizations in Geneva (FIPOI) for its invaluable assistance and cooperation. It urged the Secretary General, working with the Building Committee, to continue to make every effort to keep costs as low as possible, authorised an increase in the overall ceiling for the project from SF. 9.5 million to a maximum of SF. 11 million, and requested him to seek additional contributions from different sources to finance the increase.

### 5. Cooperation with the United Nations System

At its first sitting, the Council took note of the written and oral report of the Executive Committee on cooperation between the Inter-Parliamentary Union and the United Nations. The Council was informed of the resolution adopted by the United Nations General Assembly on 8 November 2000, in which the General Assembly has requested the UN Secretary-General "to explore ways in which a new and strengthened relationship may be established between the IPU, the General Assembly and its subsidiary organs". The Assembly invited the UN Secretary-General to hold consultations with member States and with the IPU on the subject and report back to it in May 2001.

The Council heard a statement by the delegation of Egypt expressing strong support for the report of the Executive Committee and suggesting that a joint committee be set up by the IPU and the UN to make proposals for future IPU activities in the domain of cooperation.

At its meeting in New Delhi in December 2000, the Executive Committee had made a series of initial suggestions as to the form that a "new and strengthened relationship" might take. Their suggestions were subsequently passed on to all IPU members, the UN Secretary-General and the representatives of member States in New York.

At its second sitting and after approving a modification proposed by delegates from Germany and Burkina Faso, the Council adopted the report of the Executive Committee (see page 41). The Council urged all IPU members to take steps to ensure that their Permanent Representatives to the United Nations in New York, when assisting the UN Secretary-General in his consultations, lent their support to the proposals set out in the report.

The Council encouraged the President of the IPU Council and the Secretary General to continue their efforts to strengthen the cooperation between the IPU and the Bretton Woods institutions and to establish an institutional dialogue between the IPU and the World Bank.

The Council adopted a resolution submitted by the delegation of Switzerland on the *Fiftieth Anniversary of the Adoption of the 1951 Convention relating to the Status of Refugees* (see page 64 for the text of the resolution). It also adopted a resolution submitted by the delegation of Mexico on *Support to the United Nations International Year for Volunteers: 2001* (see page 62 for the text of the resolution).

## 6. Strengthening Democracy and Parliaments

The Council took note of the report of the Executive Committee on a five-year review it had undertaken of the Programme for the Study and Promotion of Representative Institutions, on the basis of a paper submitted by the Secretary General. This Programme seeks to improve understanding of how parliaments are formed and function and to strengthen their means of action so that they can do so more effectively.

From this report it emerged that the IPU had developed unique resources and expertise in strengthening democracy and parliaments and that it needed to build on that experience and develop a more proactive approach as the international focal point in the field.

The Council endorsed the report and encouraged Member Parliaments of the IPU to examine ways and means of assisting the Secretary General in implementing its recommendations (see page 45 for

a summary version of the report; a full version can be obtained from the IPU Secretariat).

## 7. Information Strategy

The Council endorsed the recommendations of the Executive Committee (see page 49) for an IPU information strategy on the basis of a paper presented by the Secretary General. It welcomed the introductory issue of a new quarterly review entitled *The World of Parliaments - A Quarterly Review of the Inter-Parliamentary Union* which would replace the *Inter-Parliamentary Bulletin*.

## 8. Reform of the Inter-Parliamentary Union

The Council noted the Secretary General's oral and written report on reform of the Inter-Parliamentary Union. It took note of the work undertaken by the Executive Committee to develop a vision for the IPU in the future. The Committee had identified broad objectives for reforming the organisation and defined the prospective political role, nature and priorities of the IPU (see report page 53). At the Committee's request, the Secretary General had developed more detailed proposals for the future structures and working methods of the IPU.

Following interventions by the delegations of Germany, Norway and Canada, the Council took note of the Secretary General's report, requested that it be circulated to all the members of the Union and invited them to submit written comments to the Secretariat by June 2001. The Council approved the proposal of its President to hold a session of the Executive Committee in Geneva in July 2001 and authorised expenditure to convene the session for the purpose of preparing a comprehensive set of recommendations on reform for submission to the Council. The Council requested that these recommendations be accompanied by a statement of their financial implications prepared by the Secretary General.

## 9. Meeting of Women Parliamentarians

The Council took note of the report of Mrs. V. Espín Guillois (Cuba) on the proceedings and conclusions of the Fifth Meeting of Women Parliamentarians, which she had chaired on 1 April 2001 (see page 15). It was also briefed on the panel discussion concerning the Optional Protocol to the *Convention on the Elimination of All Forms of Discrimination against Women*, held on 4 April and moderated by the Council President, Dr. N. Heptulla, then by the President of the Coordinating Committee of Women Parliamentarians, Mrs. V. Furubjelke (see page 18).

## 10. Security and Cooperation in the Mediterranean

The Council took note of a report by Mr. M. Vauzelle (France) on the proceedings and results of the 18<sup>th</sup> Meeting of Representatives of the Parties to the CSCM Process, which he had chaired on 4 April 2001 (see page 16).

## 11. Human Rights of Parliamentarians

Mr. M. Samarasinghe (Sri Lanka), Vice-President of the Committee on the Human Rights of Parliamentarians, reported to the Council on the work of the Committee at its 92<sup>nd</sup> and 93<sup>rd</sup> sessions which took place in Geneva from 22 to 25 January and in Havana from 1 to 5 April 2001 (see page 17). The report relating to a case in Sri Lanka was delivered by the Secretary General. The Council then adopted without a vote resolutions concerning 141 serving or former MPs from the following 18 countries: Argentina, Belarus, Burundi, Cambodia, Colombia, Djibouti, Ecuador, Gambia, Guinea, Honduras, Indonesia, Malaysia, Mongolia, Myanmar, Pakistan, Republic of Moldova, Sri Lanka and Turkey (see pages 74 to 125 for the texts of the resolutions). Furthermore, it authorised expenditure for conducting two fact-finding missions by the Committee to Mongolia and the Republic of Moldova.

## 12. Sustainable Development

The Council heard the report of the Committee on Sustainable Development presented by its President Mr. P. Günter (Switzerland), and approved its report on its main session held in Geneva from 12 to 14 March 2001. Among the many activities reviewed or suggested in the report, the Committee proposed that a special parliamentary message be addressed to the *Third United Nations Conference on the Least Developed Countries (LDCs)*, to be held in Brussels from 14 to 20 May 2001, in order to channel the views of parliamentarians on the gravest problems currently facing the least developed countries and on the initiatives which the international community could take to ease their gradual integration into the world economy. The Council endorsed the draft parliamentary message, noting the amendment proposed by the UNCTAD Secretariat and approved by the President of the Sustainable Development Committee whereby the paragraph about the debt of the least developed countries would include a sentence in which the Council welcomed the enhanced HIPC Initiative but expressed doubts as to its long term effectiveness (see page 66).

## 13. Middle East Questions

Mr. Y. Tavernier (France) reported to the Council on the result of the deliberations held between Palestinian and Israeli representatives in the Committee on Middle East Questions since the last Committee meeting in Paris in January 2001. After hearing statements from the representatives of Palestine, Israel and Jordan, the Council adopted the report (see page 58). It authorised expenditure for a mission by the Committee to the Middle East region.

## 14. Gender Partnership Group

At its first sitting (2 April), the Council had before it, for information, a report on the proceedings and recommendations of the Gender Partnership Group, with a request that the regional groups analyse and debate them in depth before the Group formally submitted its recommendations to the Council at its sitting on 7 April. At its second sitting, the Council took note of the report (see page 59 for a summary version of the report; a full version can be obtained from the Secretariat). It endorsed the appeal by the Group urging the Union's members to formulate their observations before the Ouagadougou meetings, in September 2001, on three amendments to the Union's Statutes and various other proposals and comments presented by the Group.

## 15. Questions relating to the Statutes and Rules

At its sitting on 2 April 2001, the Council endorsed the proposals from the Executive Committee to introduce a series of amendments to the IPU Statutes and Rules designed to reflect more adequately the existing institutional link between the national parliaments of sovereign States and the IPU as their world organisation. Recalling that it had received the original proposals at its previous session in Jakarta and that the Executive Committee had introduced sub-amendments to take account of the views expressed by the membership at a session in New Delhi in December 2000, the Council decided to recommend that the 105<sup>th</sup> Conference of the Union approve the proposed amendments to the Statutes and pending that decision, approved the corresponding amendments to the Rules of its bodies.

At its sitting on 7 April, the Council approved amendments to Rules 39 and 40 of the Staff Rules of the Union increasing the maternity leave from 12 to 16 weeks and introducing a provision for granting eight weeks leave in the case of adoption of a child. As required by the Statutes of the Union, the Council also approved the amendments proposed by the Association of Secretaries General of Parliaments to Articles 9 and 17 of its Rules.

## 16. Future Inter-Parliamentary Meetings

The Council approved the agenda of the 106<sup>th</sup> IPU Conference to be held in Ouagadougou (Burkina Faso) in September 2001 (see page 69) and the list of organisations invited to attend as observers. Applications for observer status were approved from a further six inter-parliamentary organisations: ACP-EU Joint Parliamentary Assembly (JPA), Association of Asian Parliamentarians for Peace (AAPP), Indigenous Parliament of the Americas, Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliament of the Economic Community of West African States (ECOWAS). (For a full list of international organisations and other bodies invited to follow the work of the 106<sup>th</sup> Conference as observers, see page 70).

The Council endorsed the recommendation of the Executive Committee that, on account of the limited number of hotel rooms available in Ouagadougou at the time of the 106<sup>th</sup> Conference,

the maximum number of rooms that a delegation could reserve should not exceed 11. It was noted that the decision would require delegations to reduce the number of accompanying advisors and secretaries. It was also agreed that no observer delegation except that of Palestine should reserve more than two hotel rooms.

The Council took note of the willingness of the Parliaments of Chile and the United Kingdom to host statutory sessions of the Union in March/April 2003 and April 2004 respectively. It noted that the Union's governing bodies were currently studying proposals for the reform of the organisation that included holding only one statutory conference per year and decided that no commitments could therefore be made by the Union with regard to specific dates for conferences after 2002.

It took note of the report of the Preparatory Committee for the Parliamentary Meeting on International Trade to be held in Geneva on 8 and 9 June 2001 and approved the modalities for the Parliamentary Meeting on the occasion of the *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance* to be held in Durban (South Africa) on 4 September 2001. The Council took note of the calendar of other future meetings and activities (see page 72).

## III. 233<sup>rd</sup> Session of the Executive Committee

The Executive Committee held its 233<sup>rd</sup> session in Havana on 29, 30 and 31 March and 3 and 5 April 2001. The President, Dr. N. Heptulla, chaired the meeting.

The following members and substitutes took part in the session: Mr. W. Abdala (Uruguay), Mr. M. Al-Hamad Al-Saqer (Kuwait), Mr. N. Enkhbold (Mongolia), Mrs. S. Finestone (Canada), Mr. I. Fjuk (Estonia), Mrs. V. Furubjelke (Sweden), Mr. H. Gjellerod (Denmark), Mr. G. Nzouba-Ndama (Gabon), Mr. F. Tatad (Philippines) substituting for Mr. R.S. Roco who is no longer a member of parliament, Mr. G. Versnick (Belgium) (substituted on 29 and 30 March by Mr. E. Derycke) and Mrs. T. Yariguina (Russian Federation). The Vice-President, Mr. M.P. Tjitendero (Namibia), and Mrs. Z. Rios-Montt Sosa (Guatemala) were unable to attend.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Council of

the Inter-Parliamentary Union which are covered elsewhere in this report. The other matters considered by the Executive Committee are summarised below.

The Executive Committee reviewed the situation of the parliaments of Rwanda, Congo, and Burundi, which have transitional legislatures. The members noted the progress made in those countries towards the establishment of duly elected parliaments and asked the Secretary General to follow the developments and to keep them informed of any changes. The Committee also reviewed the situation in Angola, noting that because of the situation prevailing in the country, there had not been parliamentary elections since 1992 and that the four-year term of the assembly had been extended twice since then. It noted with approval that elections were planned for the second half of 2002.

The Committee continued its discussion of the use of the IPU logo. It was agreed that the Secretary General would proceed with the registration of the IPU logo with the World Intellectual Property Organization under the terms of Article 6*ter* of the Paris Convention for the Protection of Industrial Property, and that once that procedure was completed, attention could be devoted to the question of special logos for the regional groups.

It also considered a request from the Portuguese-speaking countries for the provision of technical facilities for interpretation in Portuguese at future Statutory Conferences and decided to endorse the request, noting that it had no financial implications for the Union.

It examined the question of awards and decorations granted to officers of the IPU for work carried out on behalf of the Union. It decided that such awards should be bestowed upon the IPU as an institution and invited the Secretary General to prepare specific guidelines as to who may receive them on its behalf; the draft guidelines would be studied at the Committee session in Burkina Faso.

It approved the proposal to modify the education grant payable to members of the Secretariat to bring it into line with the levels currently applicable in the United Nations Common System.

It took note of the information session held by the Centre for the Democratic Control of Armed Forces (DCAF) in the course of the Conference and decided that the IPU would cooperate with the organisation in the production of a handbook on the subject.

Finally, the Committee held a brief special sitting on Tuesday, 3<sup>rd</sup> April, convened at the request of the

Parliamentary Assembly of the Council of Europe, to meet a delegation of its Bureau and discuss avenues for closer cooperation between the two organisations.

#### **IV. Fifth Meeting of Women Parliamentarians and its Coordinating Committee**

The women parliamentarians met in Havana on Sunday, 1 April 2001 with Mrs. V. Espín Guillois, Member of the National Assembly of the People's Power and Member of the Council of State of the Republic of Cuba, in the chair. In all, 105 women MPs from the 72 following countries took part in the proceedings: Algeria, Angola, Argentina, Armenia, Australia, Bangladesh, Belarus, Belgium, Botswana, Burkina Faso, Cameroon, Canada, China, Cuba, Czech Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, Gabon, Germany, Ghana, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kazakhstan, Kenya, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Mauritius, Mexico, Monaco, Mozambique, Namibia, Nepal, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Republic of Korea, Romania, Russian Federation, San Marino, South Africa, Spain, Surinam, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, United Kingdom, Uruguay, Venezuela, Vietnam, Yemen, Zambia and Zimbabwe. Representatives of the Andean Parliament, the Central American Parliament and the European Parliament and observers from the United Nations and UNESCO also attended the proceedings.

The meeting was opened by the President of the Coordinating Committee of Women Parliamentarians, Mrs. V. Furubjelke, who delivered a brief address. After her election as President, Mrs. Espín Guillois addressed the participants, dwelling on the need to combat the sale of children. The President of the IPU Council, Dr. N. Heptulla, also delivered an address, as did the President of the National Assembly of the People's Power, Mr. R. Alarcón de Quesada.

The report on the work of the Coordinating Committee, presented by its President, was followed by a briefing by the Rapporteur of the Gender Partnership Group, Mr. G. Nzouba-Ndama, President of the National Assembly of Gabon, who presented the work done by the Group in Havana (see page 59). He urged the participants to give careful thought during the Conference, particularly

within their regional groups, to the substantive issues raised in the report, including the reform of the IPU and ways of ensuring that it created conditions conducive to gender partnership.

The participants then tackled item 4 of the Conference agenda, *Securing observance of the principles of international law in the interests of world peace and security*. At the initiative of the President of the Coordinating Committee, the participants divided into three discussion groups on three sub-topics:

- *Measures to protect women and girls from gender-based violence in all its forms in the context of armed conflicts* (Moderator: Mrs. M. Xavier, Uruguay; Rapporteur: Dr. R. Süssmuth, Germany)
- *Role of women in conflict prevention and resolution, peace negotiations and implementation of peace agreements* (Moderator: Mrs. J. Crosio, Australia; Rapporteur: Mrs. G. Mahlangu, South Africa)
- *The role of women in fostering peace through education and training* (Moderator: Mrs. L. Sharaf, Jordan; Rapporteur: Mrs. M.M. Ouedraogo, Burkina Faso).

After hearing the reports of the three discussion groups, the meeting entrusted Mrs. O. Starrfelt (Norway), Rapporteur General, with preparing, in consultation with the President of the Meeting, the President of the Coordinating Committee and the rapporteurs for the three groups, a draft resolution for submission to the First Committee on behalf of the Meeting of Women Parliamentarians.

The Meeting went on to take up the parliamentary dimension of action by the United Nations to promote gender partnership. In that connection, the participants heard a statement by Mrs. A. King, United Nations Assistant Secretary-General and Special Advisor on Gender Issues and Advancement of Women. Mrs. King then took part in a question-and-answer session which focused on the role of parliaments and their members in the ratification of international treaties and the introduction of national enabling legislation.

Attention was also drawn to the *Convention on the Elimination of All Forms of Discrimination against Women* and its Optional Protocol, a subject on which an information panel was held during the Conference (see page 19).

The Coordinating Committee of Women Parliamentarians met on 1 and 6 April with Mrs. V. Furubjelke, its President, in the chair. The Committee discussed ways to facilitate the work of the Meeting of Women Parliamentarians. At its

latter session, it also assessed the results of the Havana Inter-Parliamentary Meetings as they concerned women and felt that they were generally positive. The Committee decided that in Ouagadougou, the Meeting of Women Parliamentarians would discuss *Protecting and caring for children: The driving force of future society*. The discussion also covered other possible steps to revitalise the work of the women MPs at IPU Conferences. Accordingly, a decision was taken to hold an information panel in Ouagadougou on *Violence against women: Focus on excision*.

## V. Subsidiary Bodies and Committees of the Council of the Inter-Parliamentary Union

### 1. Meeting of Representatives of the Parties to the CSCM Process

The representatives of the parties to the process of the Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean (CSCM) held their eighteenth meeting on Wednesday, 4 April 2001. The session was chaired by Mr. M. Vauzelle (France), with the following in attendance:

- Representatives of the main participants: Algeria, Croatia, France, Greece, Israel, Italy, Jordan, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Portugal, Slovenia, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey;
- Representatives of the associate participants: United Kingdom, Arab Inter-Parliamentary Union, Maghreb Consultative Council, Parliamentary Assembly of the Council of Europe;
- Observers from the Parliaments of Bulgaria, Germany and Switzerland.

The Council President delivered a brief address on the contribution of regionalism to the Union's activities.

The participants took note of a report, presented by Mr. Vauzelle, on the proceedings of the CSCM Committee at its sessions held on 19 and 20 January 2001 in Valletta, where they were graciously received by the Maltese House of Representatives, and in Havana, where they met on 3 April 2001. They were also briefed by Mrs. L. Sharaf (Jordan) on the proceedings of the fourth meeting of the

Mediterranean Women Parliamentarians' Task Force, held in Havana on 3 April 2001.

They discussed the situation in the Mediterranean, with special emphasis on the Middle East. Against this background, they recalled the foundations of the CSCM process, as defined in the Final Document of the First CSCM, held in Malaga in 1992, and subsequently confirmed at two later conferences in Valletta in 1995 and in Marseilles in 2000.

They again expressed unanimous support for the idea of establishing over the long run a Parliamentary Assembly of Mediterranean States, while taking note of different positions as follows: some believed that the idea should be put into effect as soon as possible, while others felt that with the prevailing situation in the Middle East it was not possible to make progress in the immediate future and that the Union should focus its CSCM activities on issues in the three baskets. The Maltese Group explained the difference between the immediate elaboration of an instrument for the establishment of the Parliamentary Assembly and the possible establishment of the Assembly itself; to that end, it requested that the Committee of main participants in the CSCM process become a preparatory committee with the sole aim of preparing such an instrument.

The participants agreed to the document, prepared by the Secretary General following the Committee's meetings in Valletta and Havana, on practical measures for continuing the CSCM process within the Inter-Parliamentary Union and setting up a Parliamentary Assembly of Mediterranean States over the long run. At the request of the Maltese delegation, they nevertheless asked the Secretary General to remit to them a note prepared by the Maltese House of Representatives so that they could compare the contents of that document with their own initial outline for an Assembly. They agreed to submit, in time for the Ouagadougou Conference, any observations they might have after comparing both papers.

While expressing their unanimous commitment to the process, the participants called for more time to be allocated at the two annual sessions of the Inter-Parliamentary Conference for their meetings. They agreed to transmit written suggestions to the Secretary General on the agenda for their nineteenth session and for the twenty-fourth session of the Coordinating Committee in Ouagadougou.

## 2. Committee on the Human Rights of Parliamentarians

The Committee held its 93<sup>rd</sup> session from 1 to 5 April 2001 in Havana. The session was chaired by Mr. J. P. Letelier (Chile), President of the Committee, with the participation of Mr. M. Samarasinghe (Sri Lanka), Vice-President of the Committee, Mr. H. Etong (Cameroon), and Mrs. M. G. Daniele-Galdi (Italy), titular members. Mrs. V. Nedvedova (Czech Republic), participated in the session in her capacity as substitute member.

The Committee held six *in camera* meetings during which it studied 50 cases concerning 241 serving or former parliamentarians from 31 countries in all regions of the world. Taking advantage of the presence in Havana of delegations from several of the countries concerned, the Committee conducted 16 *in camera* hearings. In addition, the Committee asked its members individually to seek information from other delegations attending the 105<sup>th</sup> Conference regarding several cases before it.

The Committee examined four new cases from four countries; after thoroughly examining the allegations and information submitted to it, it declared two of them admissible and kept the decision on admissibility pending on the remaining two. It decided to submit to the Council a report and recommendations on a total of 24 cases concerning 141 serving or former members of Parliament in the following 18 countries: Argentina, Belarus, Burundi, Cambodia, Colombia, Djibouti, Ecuador, Gambia, Guinea, Honduras, Indonesia, Malaysia, Mongolia, Myanmar, Pakistan, Republic of Moldova, Sri Lanka and Turkey. Two cases in Colombia, one in Indonesia and one in Mongolia were brought to the attention of the Council for the first time. The Committee recommended that the Council close two cases regarding three parliamentarians from Djibouti and one from the Gambia.

## 3. Committee on Middle East Questions

The Committee met on 2 and 4 April under the presidency of Mr. Y. Tavernier (France). The other titular members present were Mr. A. Philippou (Cyprus) (Rapporteur), Mr. R. Ahouadjinou (Benin), Mrs. P. Chagsuchinda (Thailand) and Mrs. A.O. Starrfelt (Norway). The Committee welcomed the willingness of both Israeli and Palestinian representatives to continue to meet. It also welcomed the opportunity once again to hear the views of the representatives of both the Palestinian Legislative Council and the Palestine National Council. The Israeli and Palestinian



representatives invited the Committee to visit Israel and Palestine in May, 2001. The Committee also welcomed the invitation by the representative of Jordan to include his country in the mission's itinerary. At the close of its deliberations, the Committee adopted its report (see page 58).

#### **4. Committee to Promote Respect for International Humanitarian Law**

The Committee, which is composed of the three Officers of the Second Committee, met on 2 and 4 April for consultation, under the guidance of the President of the Second Committee, Mrs. B. Mugo (Kenya). It examined various questions relating to the world parliamentary survey on respect for international humanitarian law which it is undertaking by means of a new questionnaire prepared with the support of the IPU Secretariat and the International Committee of the Red Cross (ICRC). The results of this survey, together with the views and recommendations of the Committee, will be presented to the Council in September 2001 in Ouagadougou.

The Committee members also examined a proposal that the Inter-Parliamentary Union organise in Niamey in 2002, at the invitation of the National Assembly of Niger and in partnership with the African Parliamentary Union and the ICRC, a Pan-African Parliamentary Conference on the protection of the civilian population during armed conflicts. Detailed proposals on this matter will be submitted to the Council in September 2001.

In their capacity as Officers of the Second Committee, Mrs. Mugo, Mr. J. McKiernan (Australia) and Mr. R. Vasquez (Argentina) took advantage of these sittings to take stock of two projects: a handbook for MPs on the refugee question, prepared jointly with the Office of the High Commissioner for Refugees and the IPU Secretariat, and a handbook on the worst forms of child labour, elaborated jointly with the International Labour Office and the IPU Secretariat. In the light of their observations and contributions, these two handbooks, which are to be reviewed once again, will be finalised over the next few months. They are scheduled for publication at the Ouagadougou meetings in September 2001.

#### **5. Gender Partnership Group**

The Gender Partnership Group met on 28, 29 and 30 March 2001. It was composed of Mrs. T. Yariguina (Russian Federation), who acted as moderator, Mrs. S. Finestone (Canada),

Mr. W. Abdala (Uruguay), elected by the Executive Committee on 28 March, and Mr. M.P. Tjitendero (Namibia), replaced for this session by Mr. G. Nzouba-Ndama (Gabon). The Group drew up a report on which it wished to receive the views of the Members of the Union (see page 59 for a summary of the report; a full version can be obtained from the IPU Secretariat).

## **VI. Other events**

### **1. Commemorative Stamp**

On 30 March 2001, the members of the Executive Committee attended the ceremony for the issue of a stamp commemorating the 105<sup>th</sup> Conference, organised by the National Assembly of the People's Power and the Ministry of Information Technology and Communications of Cuba. The first-day-of-issue stamp was postmarked by the President of the National Assembly and the President of the

Council of the Inter-Parliamentary Union in the presence of high-ranking officials and the press.

## 2. Declaration against Racism

On 1 April, the President of the IPU Council invited all the Presiding Officers of Parliaments attending the Conference to take up an initiative by the President of the German Bundestag, Mr. W. Thierse, in signing a Declaration entitled *Tolerance and Diversity: A Vision for the 21<sup>st</sup> Century*. Prepared by Mrs. M. Robinson, UN High Commissioner for Human Rights and Secretary General of the Conference on *Racism, Racial Discrimination, Xenophobia, and Related Intolerance* (to be held in August-September, in Durban, South Africa), the Declaration has been signed by the United Nations Secretary-General, President Nelson Mandela, and a number of Heads of State. It is a non-binding text which conveys a shared vision of a non-racist and non-discriminatory world in which everyone has a place, and an invitation to governments and societies to do everything within their means to achieve that objective.

In the presence of the representative of the High Commissioner for Human Rights and a representative of the Union, the Presiding Officers of the assemblies of 15 countries (Belarus, Burkina Faso, Cape Verde, Gabon, Ghana, Ireland, Nigeria, Norway, Philippines, Republic of Korea, Sao Tome and Principe, Togo, Tunisia, United Arab Emirates and Zimbabwe) and the Deputy Presiding Officers of the assemblies of 12 countries (Angola, Botswana, Indonesia, Kenya, Kyrgyzstan, Mali, Morocco, Namibia, Panama, Peru, Sudan and Uganda), signed the text after the President of the Bundestag and the President of the Council.

## 3. Panel on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women

An information panel on the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women* took place on 4 April 2001. Chaired by the President of the IPU Council, the meeting was attended by the Director of the UN Division for the Advancement of Women, Mrs. Y. Ertürk, the Cuban representative to the CEDAW Committee, Mrs. Y. Ferrer Gomez, the President of the Coordinating Committee of Women Parliamentarians, Mrs. V. Furubjelke, and Mr. S. Sengupta, leader of the delegation of the Parliament of Bangladesh (one of the few countries that have already ratified the Protocol) and adviser to the Prime Minister. Sixty women MPs and a few

men took part in the panel, the purpose of which was to inform parliamentarians about mechanisms established under the Optional Protocol and to encourage them to take steps towards the domestic ratification and implementation of the Protocol.

## 4. Democratic Oversight of Armed Forces

An information session was held on this subject on 4 April 2001 with the agreement of the Executive Committee. The session, which was opened by the President of the IPU Council, provided an opportunity for the Deputy Director of the Centre for the Democratic Control of Armed Forces, a Geneva-based international foundation of which 24 governments are currently members, to consult the MPs present on a project with which the Foundation wishes to associate the Inter-Parliamentary Union. The project will consist of the preparation of a manual for parliamentarians on the democratic oversight of armed forces. In the light of the explanations given and a note on the possible contents of the handbook, the participants from various regions of the world all expressed great interest in the initiative.

## VII. Membership of the Union as of 2 April 2001

### Members (141)

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, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, 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, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, 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

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## VIII. Elections and Appointments

### 1. Office of President of the 105<sup>th</sup> Inter-Parliamentary Conference

Mr. Ricardo Alarcón de Quesada, President of the National Assembly of the People's Power of Cuba, was elected President of the Conference.

### 2. Executive Committee

At its sitting on 7 April, the Council elected Mr. B.F. Ople (Philippines) to the Executive Committee to replace Mr. R.S. Roco (Philippines) until the expiry of the latter's term in September 2003.

### 3. Study Committees of the Inter-Parliamentary Conference

At its sitting on 5 April, the First Committee (Committee on Political Questions, International Security and Disarmament) re-elected Mr. A.H. Hanadzlah (Malaysia) as its President and elected Mr. A. Ogunlewe (Nigeria) and Mrs. E.

Papadimitriou (Greece) as Vice-Presidents for a one year term, re-eligible three times.

At its sitting on 6 April, the Fourth Committee (Committee on Education, Science, Culture and Environment) re-elected Mr. J.A. Coloma (Chile) as its President and re-elected Mrs. B. Gadiant (Switzerland) as Vice-President. Mrs. L.E. Motsumi (Botswana) was elected as Vice-President for a one year term, re-eligible three times.

### 4. Committee for Sustainable Development

At its sitting on 7 April, the Council elected Mr. G. Asvinvichit (Thailand) and Mr. S. Chihab (Algeria) to four-year terms as titular members of the Committee and Mr. T. Kovacs (Romania) and Mr. M. Sani (Ethiopia) to four-year terms as substitute members.

## **5. Committee on the Human Rights of Parliamentarians**

At its sitting on 7 April, the Council elected Mrs. A. Clwyd (United Kingdom) and Mr. M. Ousmane (Niger) as titular members of the Committee for five-year terms and Mrs. S. N. Djaafar (Algeria) and Mr. S. Sirait (Indonesia) as substitute members for five-year terms.

## **6. Committee on Middle East Questions**

At its sitting on 7 April, the Council elected Mr. S. El-Alfi (Egypt) to a four-year term as titular member of the Committee.

## **7. Group of Facilitators for Cyprus**

At its sitting on 7 April, the Council elected Mrs. F. El-Refaie (Egypt) as a member of the Group.

## **8. Gender Partnership Group**

At its sitting on 29 March, the Executive Committee elected from among its members Mr. W. Abdala (Uruguay) to the Group.

**SECURING OBSERVANCE OF THE PRINCIPLES OF INTERNATIONAL LAW  
IN THE INTERESTS OF WORLD PEACE AND SECURITY**

***Resolution adopted by consensus by the 105<sup>th</sup> Conference  
(Havana, 6 April 2001)***

The 105<sup>th</sup> Inter-Parliamentary Conference,

*Affirming* the validity of the principles of international law and the duty of all States, as enshrined in the Charter of the United Nations, to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered; and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,

*Recalling* that the signatory States of the United Nations Charter are bound to respect the principles of non-intervention, self-determination, and the protection of human rights,

*Reaffirming* that the General Assembly is the most representative organ of the United Nations and that the United Nations Security Council has primary responsibility for the maintenance of international peace and security,

*Acknowledging* that, as part of their crucial role and responsibility, in ensuring the peace, order and good governance of the peoples and territories they represent, national parliaments have a duty to incorporate in domestic law international obligations and commitments assumed in respect of peace and disarmament, humanitarian law and human rights law,

*Recognising* that the Inter-Parliamentary Union, as the world organisation of parliaments, plays an important role in promoting peace and international cooperation in furtherance of and in conformity with the purposes and principles of the Charter of the United Nations (Article 1, UN-IPU Cooperation Agreement),

*Reaffirming* the importance of the observance and implementation of the norms and principles of international humanitarian law,

*Recognising* that any attempt to use international law, including international humanitarian law, as a lever for the advancement of politically motivated objectives seriously obstructs efforts to secure greater respect for the purposes and principles of international law,

*Considering* that the existence and development of nations depend to a large extent on respect for the international law that governs relations between them and on growing awareness that any breaches of it are likely to threaten them and even jeopardise their existence,

*Considering* that since the diversity of its sources has made international law difficult to apply in some cases, efforts to promote its codification need to be pursued,

*Welcoming* efforts by the United Nations to develop and update the rules of international law to respond to new circumstances, and *commending* the work of the International Law Commission, which has successfully prepared drafts of international instruments covering various fields,

*Deeming* it essential to respond effectively to new types of threats, in particular by taking steps to combat organised crime, narcotics production and trafficking, money laundering and terrorism,

*Welcoming* the development of other norms of international law designed to minimise threats to international peace and security, through the prohibition and restriction of the use of weapons of mass destruction and certain conventional weapons, the development of the laws of armed conflict, the protection of fundamental human rights and the status of refugees, and the coordination of technical and development assistance,

*Welcoming and fully supporting* United Nations Security Council resolution 1325 (2000), entitled "Women and peace and security", and *bearing in mind* the specific recommendations on women and war made in the Beijing Platform for Action, and the outcome document of the "Beijing+5" Special Session of the United Nations General Assembly,

*Welcoming especially* progress toward the establishment of the International Criminal Court, which will play a crucial role in securing observance of the principles of international law in the interests of world peace and security by providing a forum to investigate and prosecute, in cases where no State is genuinely able or willing to do so, the commission of the worst crimes of international concern, namely the crime of genocide, crimes against humanity and war crimes,

*Underscoring* the importance of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes, and the resolution adopted by the United Nations General Assembly at its 44<sup>th</sup> session proclaiming the period from 1990 to 1999 as the "United Nations Decade for International Law",

*Mindful of* the resolution adopted by the 90<sup>th</sup> Inter-Parliamentary Conference (September 1993) concerning "Respect for international humanitarian law and support to humanitarian action in armed conflicts", and of the resolution adopted by the 91<sup>st</sup> Inter-Parliamentary Conference (March 1994) on "Prevention of conflicts, maintenance and consolidation of peace: Role and means of the United Nations and regional organisations", and the resolution adopted by the 104<sup>th</sup> Conference (October 2000) regarding economic sanctions, especially operative paragraph 10 urging States to envisage the elaboration of an instrument of international law codifying the humanitarian standards to be respected when economic sanctions are introduced,

*Supporting* recent efforts to improve protection for the rights of women and children in times of conflict and times of peace alike, in particular through recent conventions and protocols,

1. *Urges* States to respect the principles of international law by refraining from interfering in the domestic affairs of other States, in conformity with the United Nations Charter;
2. *Condemns* the use of coercive measures which would deny the peoples their right to self-determination, freedom and independence and *further condemns* the resort to the use of force in contravention of the Charter of the United Nations;
3. *Calls on* States to refrain from applying coercive unilateral measures with extra-territorial effects which hamper the flow of international trade and impair the legitimate right of peoples to economic, financial and trade development;

4. *Also calls on* all States to strive to settle their differences by peaceful means in conformity with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and the Manila Declaration on the Peaceful Settlement of International Disputes and *reaffirms* in this context the right freely to choose among those means;
5. *Stresses* that States must strive to reduce differences between their political, economic and social systems and must cooperate with each other on all levels with a view to maintaining international peace and security, promoting worldwide stability and economic progress, and ensuring the prosperity of all peoples and all nations, without imposing any conditions;
6. *Urges* all States to consider, if they have not yet done so, acceding to and/or ratifying international instruments, as appropriate, in particular the Protocols additional to the Geneva Conventions, the Rome Statute establishing the International Criminal Court and *recalls* that, in establishing the crimes falling within the jurisdiction of the International Criminal Court, the latter's Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence both as war crimes and, when committed as part of a widespread or systematic attack directed against any civilian population, as crimes against humanity.
7. *Calls* for a complete ban on all weapons of mass destruction and on the transportation of the components of weapons of mass destruction through the air space and/or the exclusive economic zones of other countries and *further calls* for ratification of the Convention on the Total Prohibition of Anti-personnel Mines, and for application of the standards thus subscribed;
8. *Welcomes* the endeavours of the United Nations in framing international instruments, particularly those of the International Law Commission, and *recommends* that such efforts be continued, taking the following into account:
  - The need to prepare the ground before proceeding with codification, not only by studying bills but also by bringing States closer together on points where their views diverge or their interests clash;
  - The purpose of codification is not merely to maintain existing rules indefinitely, but to revise them progressively, introducing any amendments needed to harmonise them with developments in international life;
  - Systems of codification must include an amendment procedure whereby a qualified majority shall suffice to take decisions that are binding on all States that have approved those systems;
9. *Urges* States and the United Nations to secure greater participation by women in decision-making relating to the prevention, management and peaceful settlement of conflicts, and to that end *fully supports* UN Security Council resolution 1325, particularly paragraphs 3 and 4, which seek to strengthen the role of women in this field;
10. *Further urges* all parliaments to ratify and implement the United Nations conventions that concern women and more particularly the Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children;

11. *Urges* governments and parliaments to raise awareness among their military personnel, law enforcement agents and civilian personnel of war crimes of a sexual nature and the sanctions that apply to them.



**EDUCATION AND CULTURE AS ESSENTIAL FACTORS IN PROMOTING  
THE PARTICIPATION OF MEN AND WOMEN IN POLITICAL LIFE  
AND AS PREREQUISITES FOR THE DEVELOPMENT OF PEOPLES**

*Resolution adopted by consensus by the 105<sup>th</sup> Conference  
(Havana, 6 April 2001)*

The 105<sup>th</sup> Inter-Parliamentary Conference,

*Mindful* that more than fifty years have passed since every person's right to education and to participate in the cultural life of the community was set forth in the Universal Declaration of Human Rights, which also asserts that elementary education shall be compulsory and that technical and professional education shall be made generally available,

*Calling attention* to the right to development established in the Declaration on the Right to Development, and reaffirmed at the World Conference on Human Rights held in Vienna from 14 to 25 June 1993,

*Referring* to the report entitled "Our Creative Diversity" by the World Commission on Culture and Development, the report "Learning: The Treasure Within" prepared for UNESCO by the International Commission on Education for the Twenty-first Century, the World Education Forum's Dakar Framework for Action "Education For All: Meeting Our Collective Commitments", and the conclusions of the Stockholm Intergovernmental Conference on Cultural Policies for Development,

*Aware* of the many close links between education, culture, democracy and development, and *stressing* that education and culture are the basis for both democratic participation and economic and social progress,

*Reaffirming* its attachment to the promotion and consolidation of democracy, and *acknowledging* that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the peoples to choose their own political, economic, social and cultural systems and their full participation in all aspects of life,

*Noting* that environmental issues affect both developed and developing nations and place the survival of humankind at risk,

*Aware* of education's potential as an engine for progress in all dimensions of development – political, economic, social, cultural and ecological, and *also aware* that stagnant education systems and undervalued cultural traditions are a threat to democracy,

*Stressing* that the major obstacles encountered by women which are difficult to overcome by legislation are tradition and a mode of education that impose a distinction between men and women, deny women an education so condemning them to illiteracy, and maintain them in ignorance of their political rights; as well as economic obstacles, which deprive women of their right to education,

*Mindful* that education is both an important prerequisite for participation in cultural life and for democratic participation, and essential to the acceptance and development of democratic values in a process which must involve every person,

*Aware* that only strong cultural roots enable individuals and societies to develop critical awareness, shape the present and the future and meet the challenges they pose advisedly, and that protecting and preserving cultural heritage is therefore an important political task; *also aware* that cultures are in constant evolution, and *believing* that new trends, particularly globalisation, while linking cultures ever more closely and enriching interaction, may also pose a challenge to our creative diversity and to cultural pluralism, making mutual respect all the more imperative,

*Recognising* that education and cultural policies must take account of universal human rights while preserving cultural diversity, and should therefore promote and respect regional, national and universal values,

*Also recognising* that sustainable economic and social development requires broad democratic participation, which means taking into account the characteristics of the various cultures,

*Further recognising* that civil society is playing an increasingly significant role, especially in culture, and that one of the most important tasks of cultural policy is to afford creative energies the scope they need in order to develop,

*Aware* that modern information and communication technologies can facilitate and improve access to education and participation in the democratic process,

*Fearing* nonetheless that the gap between those who have access to education and culture and those who do not may continue to widen, education being a prerequisite for participation in the information society,

*Recognising* that globalisation implies not only enormous challenges for humanity but also opportunities, thanks in particular to the fantastic expansion of information and communications technologies which facilitates wider dissemination of universal human values, *concerned* nonetheless at the widening "knowledge gap" - the disparity in the capability of countries or groups within countries to participate in the gains of technological innovations and new means of communication - and at the fact that unequal access to both new and traditional means of cultural expression can seriously affect an individual's or a community's membership in, or exclusion from, the knowledge society,

*Affirming* that women's rights are an integral part of the social, economic, political and cultural human rights laid down in the Universal Declaration of Human Rights and as such may on no account be infringed,

*Underscoring* that international commitments to the advancement of women and the introduction of appropriate national policies and programmes are matters that lie solely within the purview of States, which have to take account of social, economic and political circumstances, cultural and social values and national traditions,

*Deeply concerned* that in 2000, according to the World Education Forum, more than 100 million children and young people, especially girls, had no access to primary schooling and 880 million adults were illiterate,

1. *Asserts* that education is a prerequisite for promoting sustainable development, securing a healthy environment, ensuring peace and democracy and achieving the objectives of combating poverty, slowing population growth, and creating equality

between the sexes, and that culture is a fundamental component of the development process;

2. *Demands* that women be given the benefits of education, literacy and vocational training programmes, and to this end *suggests* that:
  - (a) Girls' schooling must be on a par with that of boys;
  - (b) Governments, NGOs and other concerned bodies should organise awareness-building campaigns to encourage families to send their daughters to school;
  - (c) Schooling for girls should be subsidised and school supplies provided free of charge in order to overcome any material difficulties;
  - (d) Compulsory schooling should be as long for girls as for boys;
  - (e) Efforts to combat adult illiteracy should be encouraged by introducing and implementing intensive programmes, with a view to promoting women's participation in political life;
  - (f) In order to encourage women's participation in political life and raise awareness of their role in politics, curricula should include straightforward instruction on such matters at all levels;
  - (g) Teaching curricula should be rid of all content implying any form of gender-based discrimination;
3. *Stresses* the importance of cultural values and background to the social advancement of women and to a more balanced vision of men's and women's roles in public and private life, and the need to avoid undermining the cultural stability of societies or imposing values alien to the national culture. To that end, it would be useful to:
  - (a) Foster gender equality and partnership in order to generate a synergy between men and women enabling them to cope equally with the problems of society;
  - (b) Instil respect for the household duties that women traditionally perform and acknowledge that these duties should be shared between the sexes so that both may reconcile them with their social, professional and political activities;
  - (c) Show examples and models of equality and complementarity between men and women, through education both at home and at school;
  - (d) Make judicious use of the media to give a positive image of women's dynamic role in both the family and society; and develop women's skills and abilities by involving the media in programmes to disseminate the values and images established in national and international strategies for the advancement of women;
4. *Emphasises the need* to design education and cultural policies that contribute significantly to sustainable political, social, environmental and economic development, in particular by improving access to education and culture;
5. *Stresses* the importance of viewing education and cultural policies as key components of an independent and sustainable development policy and ensuring that they are

implemented properly in coordination with policies in other fields; *urges* both developed and developing nations to reinforce environmental education in school curricula and in the media; *stresses* the important role that the media play in the treatment of issues relating to women and in shaping the dominant culture and values, and *emphasises* the need to instil in society a balanced vision of the role of women and ensure that both men and women enjoy the same cultural and political education;

6. *Underscores the need* to promote knowledge and understanding of cultural and linguistic diversity through education and cultural policies and to develop such diversity in accordance with principles that foster peace, human rights and democracy;
7. *Calls* for the adoption of cultural policies which help to ensure that every person is able to exercise his or her right to participate freely in cultural life, as set forth in Article 27 of the Universal Declaration of Human Rights;
8. *Emphasises* the need to place education high among the priorities of national budgets and to promote actively education conducive to the mastery and creative use of science and new information technologies by the younger generations and the training of teachers in science and new technologies;
9. *Strongly emphasises* that the development of education calls for a vast increase in international assistance to education in developing countries, *urges* that the latter be given all possible assistance in their efforts to promote democratic values through education, and *recommends* in particular promoting cooperation among developing countries so that they benefit from knowledge of other cultures and other experiences of development;
10. *Emphasises the importance* of ensuring the financial and social independence of women, since financially independent women are more inclined to participate in political life; and to that end:
  - To take the necessary steps to promote women's access to vocational training and the job market on an equal footing with men;
  - To ensure that women have no difficulty in obtaining bank loans and credits, and to help them to set up small companies;
11. *Calls* for the intensification of political efforts to preserve tangible and intangible cultural heritage, and *advocates* that every culture that respects others be accorded the right to equal acknowledgement of its identity;
12. *Urges* all parliamentarians to familiarise themselves with the conventions relating to women's rights and the resolutions adopted by conferences on women, to publicise them through all local, national and regional bodies, and to take account of them in national legislation and strategies to improve the status of women;
13. *Calls on* parliaments, governments and NGOs to step up their efforts to involve women actively in political and economic life, to alert developing countries to this issue and to make them aware of the need to eliminate prejudice against women;
14. *Implores* all parliaments, governments, international agencies and NGOs to acknowledge the social, political and economic impact of the HIV/AIDS pandemic on

men, women, and children, and to actively implement and/or accelerate educational programmes to curb the spread of the pandemic and to encourage people to retain HIV negative status;

15. *Calls* for greater involvement of civil society in education and cultural policy;
16. *Expresses its conviction* that all States must promote, at every stage of education, an active civic learning process enabling all to become acquainted with their history and cultural roots, the functioning and activities of local, national and international political institutions, to become familiar with the procedures for settling fundamental issues and to participate in the cultural life of the community and in public affairs, focusing in particular on gender equality, and *stresses* that such participation should as far as possible result in ever closer ties between education and action to resolve local, national and international problems;
17. *Underscores* the importance of utilising modern information and communication media to facilitate access to education and culture while respecting the rights to freedom of opinion and freedom of information set forth in Article 19 of the Universal Declaration of Human Rights;
18. *Stresses* the need to encourage the active participation of civil society in the media in order to draw attention to the issues addressed by this resolution;
19. *Emphasises* the necessity of developing the technical infrastructure of modern information and communication systems in such a way that they can be used by as many people as possible, and of promoting new media skills through education and training programmes; *calls* for wide-ranging efforts by developed countries to bridge the digital divide by actively providing developing countries with both technical assistance and support for education in information technologies, and *urges* States to monitor Internet sites and ban access to unacceptable ones, particularly child pornography;
20. *Invites* States and other players to work actively to close the gender gap and to make education for women and girls the top priority of education policy; *urges* States to adopt cultural policies that respect gender equality and fully recognise women's equality of rights and freedom of expression, thereby ensuring their ability to participate fully in all aspects of cultural, economic, social and political life; and *calls* for the involvement of women in the preparation and implementation of general development policies, in which they are both actors and beneficiaries;
21. *Stresses* the need to implement the education policy commitments adopted by the World Education Forum in its Dakar Framework for Action "Education For All: Meeting Our Collective Commitments" and the "World Declaration on Education for All" as swiftly and effectively as possible, in particular by:
  - Ensuring that by 2015 all children, especially girls, children in difficult circumstances and children from ethnic minorities, have access to free, high-quality compulsory primary education and complete such education;
  - Achieving a 50 per cent improvement in adult literacy levels by 2015;
  - Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015;

- Backing UNESCO in its task of mobilising and orchestrating support for countries in their efforts to fulfil the Education for All (EFA) commitments at national, regional and international level;
22. *Calls* for regional and international cooperation in the field of education and cultural policy, in order to respond to the challenges of globalisation and technological progress;
  23. *Calls* on the members of the IPU to report on the implementation of and follow-up to this resolution through the reporting mechanism established within the IPU.

**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 2 April 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 Cuba  
for the inclusion of a supplementary item entitled

**CONTRIBUTION OF THE WORLD'S PARLIAMENTS TO THE STRUGGLE AGAINST TERRORISM,  
IN CONFORMITY WITH RESOLUTION 55/158 OF THE UNITED NATIONS GENERAL ASSEMBLY**

**R e s u l t s**

Affirmative votes ..... 1229      Total of affirmative and negative votes ..... 1288  
Negative votes ..... 59      Two-thirds majority ..... 859  
Abstentions ..... 265

| Country                   | Yes | No     | Abst. | Country                       | Yes | No     | Abst. | Country     | Yes | No | Abst. |
|---------------------------|-----|--------|-------|-------------------------------|-----|--------|-------|-------------|-----|----|-------|
| Albania                   | 5   |        | 5     | Germany                       |     |        | 19    | New Zealand | 11  |    |       |
| Algeria                   | 14  |        |       | Ghana                         | 13  |        |       | Nicaragua   | 12  |    |       |
| Angola                    | 12  |        |       | Greece                        | 6   |        | 4     | Niger       | 13  |    |       |
| Argentina                 | 15  |        |       | Guinea                        | 12  |        |       | Nigeria     | 20  |    |       |
| Armenia                   | 10  |        |       | Guinea-Bissau                 | 11  |        |       | Norway      |     |    | 11    |
| Australia                 | 8   |        | 5     | Hungary                       | 13  |        |       | Panama      | 11  |    |       |
| Austria                   | 2   |        | 10    | Iceland                       |     | 10     |       |             |     |    |       |
| Bangladesh                | 20  |        |       | India                         | 23  |        |       |             |     |    |       |
| Belarus                   | 13  |        |       | Indonesia                     | 22  |        |       |             |     |    |       |
| Belgium                   |     |        | 12    | Iran (Islamic<br>Republic of) | 18  |        |       |             |     |    |       |
| Benin                     | 11  |        |       | Iraq                          | 14  |        |       |             |     |    |       |
| Bolivia                   | 12  |        |       | Ireland                       | 8   |        | 3     |             |     |    |       |
| Bosnia and<br>Herzegovina | 11  |        |       | Israel                        |     | 12     |       |             |     |    |       |
| Botswana                  | 11  |        |       | Italy                         |     |        | 17    |             |     |    |       |
| Brazil                    | 20  |        |       | Japan                         |     |        | 20    |             |     |    |       |
| Bulgaria                  | 12  |        |       | Jordan                        | 11  |        |       |             |     |    |       |
| Burkina Faso              | 12  |        |       | Kazakhstan                    | 13  |        |       |             |     |    |       |
| Cambodia                  | 13  |        |       | Kenya                         | 14  |        |       |             |     |    |       |
| Cameroon                  | 13  |        |       | Kuwait                        | 11  |        |       |             |     |    |       |
| Canada                    | 15  |        |       | Kyrgyzstan                    | 11  |        |       |             |     |    |       |
| Cape-Verde                | 10  |        |       | Latvia                        |     |        | 11    |             |     |    |       |
| Chile                     | 13  |        |       | Lebanon                       | 10  |        |       |             |     |    |       |
| China                     | 23  |        |       | Liberia                       |     | absent |       |             |     |    |       |
| Congo                     |     | absent |       | Libyan Arab<br>Jamahiriya     | 11  |        |       |             |     |    |       |
| Costa Rica                | 10  |        |       | Liechtenstein                 | 8   |        | 2     |             |     |    |       |
| Croatia                   |     | absent |       | Lithuania                     |     |        | 11    |             |     |    |       |
| Cuba                      | 13  |        |       | Luxembourg                    |     |        | 10    |             |     |    |       |
| Cyprus                    | 10  |        |       | Malaysia                      | 14  |        |       |             |     |    |       |
| Czech Republic            |     |        | 13    | Mali                          | 12  |        |       |             |     |    |       |
| DPR of Korea              | 14  |        |       | Malta                         | 10  |        |       |             |     |    |       |
| Denmark                   |     | 12     |       | Mauritius                     | 11  |        |       |             |     |    |       |
| Djibouti                  | 10  |        |       | Mexico                        | 19  |        |       |             |     |    |       |
| Ecuador                   |     | absent |       | Monaco                        |     |        | 10    |             |     |    |       |
| Egypt                     | 18  |        |       | Mongolia                      | 11  |        |       |             |     |    |       |
| El Salvador               | 12  |        |       | Morocco                       | 14  |        |       |             |     |    |       |
| Estonia                   | 1   |        | 10    | Mozambique                    | 13  |        |       |             |     |    |       |
| Ethiopia                  | 16  |        |       | Namibia                       | 11  |        |       |             |     |    |       |
| Finland                   | 4   | 4      | 4     | Nepal                         | 14  |        |       |             |     |    |       |
| France                    |     |        | 17    | Netherlands                   |     | 13     |       |             |     |    |       |
| Gabon                     | 11  |        |       |                               |     |        |       |             |     |    |       |

Inter-Parliamentary Union - 105<sup>th</sup> Conference - Resolutions, Decisions and Votes of the Conference

|                       |    |   |    |                      |        |  |    |                             |        |  |    |
|-----------------------|----|---|----|----------------------|--------|--|----|-----------------------------|--------|--|----|
| Peru                  | 14 |   |    | Sri Lanka            | absent |  |    | United Arab Emirates        | 11     |  |    |
| Philippines           | 18 |   |    | Sudan                | 15     |  |    |                             |        |  |    |
| Poland                |    | 8 | 7  | Suriname             | 10     |  |    | United Kingdom              |        |  | 17 |
| Portugal              | 8  |   | 4  | Sweden               |        |  | 12 | United Republic of Tanzania | absent |  |    |
| Republic of Korea     | 16 |   |    | Switzerland          | 10     |  | 2  |                             |        |  |    |
| Romania               | 10 |   | 4  | Syrian Arab Rep.     | 13     |  |    | Uruguay                     | 11     |  |    |
| Russian Federation    | 19 |   | 1  | Tajikistan           | 12     |  |    | Venezuela                   | 13     |  |    |
| San Marino            | 10 |   |    | Thailand             | 18     |  |    | Viet Nam                    | 18     |  |    |
| Sao Tome and Principe | 10 |   |    | The fYR of Macedonia | 11     |  |    | Yemen                       | 13     |  |    |
| Singapore             | 10 |   |    | Togo                 | 12     |  |    | Yugoslavia                  | 13     |  |    |
| Slovakia              | 8  |   | 4  | Tunisia              | 12     |  |    | Zambia                      | 12     |  |    |
| Slovenia              | 11 |   |    | Turkey               | 18     |  |    | Zimbabwe                    | 13     |  |    |
| South Africa          | 16 |   |    | Uganda               | 13     |  |    |                             |        |  |    |
| Spain                 |    |   | 15 | Ukraine              | 12     |  | 5  |                             |        |  |    |

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 2 April 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 Japan  
for the inclusion of a supplementary item entitled

**THE URGENT NEED FOR PARLIAMENTARIANS TO TAKE AN UNCOMPROMISING LOOK AT THE WORST FORMS OF CHILD  
LABOUR, TO CONSIDER COUNTER-MEASURES ENFORCEABLE BY THE ENTIRE INTERNATIONAL COMMUNITY AND TO  
AWAKEN PUBLIC OPINION AS THE FIRST STEP TOWARDS THE PROHIBITION AND ELIMINATION OF SUCH LABOUR**

**R e s u l t s**

|                         |     |   |      |
|-------------------------|-----|---|------|
| Affirmative votes ..... | 822 | Total of affirmative and negative votes ..... | 1058 |
| Negative votes .....    | 236 | Two-thirds majority .....                     | 705  |
| Abstentions .....       | 477 |   |      |

| Country                   | Yes | No     | Abst. | Country                       | Yes | No | Abst.  | Country                  | Yes | No | Abst.  |
|---------------------------|-----|--------|-------|-------------------------------|-----|----|--------|--------------------------|-----|----|--------|
| Albania                   | 9   |        | 1     | Gabon                         |     | 11 |        | Netherlands              |     | 13 |        |
| Algeria                   |     |        | 14    | Germany                       |     |    | 19     | New Zealand              |     | 11 |        |
| Angola                    |     | 12     |       | Ghana                         | 13  |    |        | Nicaragua                |     |    | 12     |
| Argentina                 |     | 15     |       | Greece                        | 10  |    |        | Niger                    |     |    | 13     |
| Armenia                   | 10  |        |       | Guinea                        | 12  |    |        | Nigeria                  | 10  |    |        |
| Australia                 | 13  |        |       | Guinea-Bissau                 | 10  |    | 1      | Norway                   |     |    | 11     |
| Austria                   | 2   |        | 10    | Hungary                       | 13  |    |        | Panama                   |     | 11 |        |
| Bangladesh                | 20  |        |       | Iceland                       | 7   |    | 3      | Peru                     |     | 14 |        |
| Belarus                   | 5   |        | 8     | India                         |     |    | 23     | Philippines              | 10  |    | 8      |
| Belgium                   | 12  |        |       | Indonesia                     | 22  |    |        | Poland                   | 15  |    |        |
| Benin                     | 7   |        | 4     | Iran (Islamic<br>Republic of) | 12  |    | 6      | Portugal                 | 12  |    |        |
| Bolivia                   |     | 12     |       | Iraq                          |     | 14 |        | Republic of Korea        | 16  |    |        |
| Bosnia and<br>Herzegovina | 11  |        |       | Ireland                       | 11  |    |        | Romania                  | 10  |    | 4      |
| Botswana                  | 5   |        | 6     | Israel                        | 11  |    | 1      | Russian Federation       | 20  |    |        |
| Brazil                    |     |        | 20    | Italy                         |     |    | 17     | San Marino               |     |    | 10     |
| Bulgaria                  | 10  |        | 2     | Japan                         | 20  |    |        | Sao Tome and<br>Principe | 9   |    | 1      |
| Burkina Faso              |     | 12     |       | Jordan                        | 6   |    | 5      | Singapore                | 10  |    |        |
| Cambodia                  | 13  |        |       | Kazakhstan                    | 13  |    |        | Slovakia                 | 12  |    |        |
| Cameroon                  | 10  |        | 3     | Kenya                         | 10  |    | 4      | Slovenia                 | 8   |    | 3      |
| Canada                    | 9   |        | 6     | Kuwait                        | 6   |    | 5      | South Africa             |     | 16 |        |
| Cape-Verde                | 10  |        |       | Kyrgyzstan                    | 11  |    |        | Spain                    |     |    | 15     |
| Chile                     |     | 13     |       | Latvia                        | 6   |    | 5      | Sri Lanka                |     |    | absent |
| China                     | 23  |        |       | Lebanon                       |     |    | 10     | Sudan                    |     |    | 15     |
| Congo                     |     | absent |       | Liberia                       |     |    | absent | Suriname                 | 6   |    | 4      |
| Costa Rica                | 10  |        |       | Libyan Arab<br>Jamahiriya     | 5   |    | 6      | Sweden                   |     |    | 12     |
| Croatia                   |     | absent |       | Liechtenstein                 | 10  |    |        | Switzerland              | 10  |    | 2      |
| Cuba                      |     | 13     |       | Lithuania                     | 6   |    | 5      | Syrian Arab Rep.         |     | 13 |        |
| Cyprus                    | 7   |        | 3     | Luxembourg                    | 10  |    |        | Tajikistan               | 12  |    |        |
| Czech Republic            | 11  |        | 2     | Malaysia                      | 14  |    |        | Thailand                 | 18  |    |        |
| DPR of Korea              |     |        | 14    | Mali                          |     |    | 12     | The fYR of<br>Macedonia  |     |    | 11     |
| Denmark                   |     |        | 12    | Malta                         | 5   |    | 5      | Togo                     | 9   |    | 3      |
| Djibouti                  | 10  |        |       | Mauritius                     | 11  |    |        | Tunisia                  | 12  |    |        |
| Ecuador                   |     | absent |       | Mexico                        |     |    | 19     | Turkey                   | 10  |    | 8      |
| Egypt                     |     | 18     |       | Monaco                        | 10  |    |        | Uganda                   | 10  |    | 3      |
| El Salvador               | 12  |        |       | Mongolia                      | 11  |    |        | Ukraine                  | 12  |    | 5      |
| Estonia                   | 7   |        | 4     | Morocco                       | 14  |    |        | United Arab<br>Emirates  | 11  |    |        |
| Ethiopia                  |     |        | 16    | Mozambique                    |     |    | 13     | United Kingdom           |     |    | 17     |
| Finland                   | 10  |        | 2     | Namibia                       | 11  |    |        |                          |     |    |        |
| France                    |     |        | 17    | Nepal                         | 14  |    |        |                          |     |    |        |

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|                             |        |    |    |            |    |    |  |  |  |  |
|-----------------------------|--------|----|----|------------|----|----|--|--|--|--|
| United Republic of Tanzania | absent |    |    | Yemen      |    | 13 |  |  |  |  |
|                             |        |    |    | Yugoslavia | 13 |    |  |  |  |  |
| Uruguay                     |        |    | 11 | Zambia     |    | 12 |  |  |  |  |
| Venezuela                   |        | 13 |    | Zimbabwe   | 5  |    |  |  |  |  |
| Viet Nam                    | 12     |    | 6  |            |    |    |  |  |  |  |

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 2 April 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 France  
for the inclusion of a supplementary item entitled  
**SAFETY IN SHIPPING AND WAYS TO CURB THE RISE IN ACTS OF PIRACY  
AND ECOLOGICAL DISASTERS**

**R e s u l t s**

|                         |     |   |      |
|-------------------------|-----|---|------|
| Affirmative votes ..... | 949 | Total of affirmative and negative votes ..... | 1193 |
| Negative votes .....    | 244 | Two-thirds majority .....                     | 795  |
| Abstentions .....       | 336 |   |      |

| Country                   | Yes    | No | Abst. | Country | Yes | No | Abst. | Country                       | Yes    | No | Abst. |
|---------------------------|--------|----|-------|---------|-----|----|-------|-------------------------------|--------|----|-------|
| Albania                   | 9      |    | 1     | Germany | 19  |    |       | Guinea                        | 12     |    |       |
| Algeria                   | 10     |    | 4     | Ghana   | 13  |    |       | Guinea-Bissau                 | 11     |    |       |
| Angola                    |        | 12 |       | Greece  | 10  |    |       | Hungary                       | 13     |    |       |
| Argentina                 |        | 15 |       |         |     |    |       | Iceland                       | 10     |    |       |
| Armenia                   | 10     |    |       |         |     |    |       | India                         |        |    | 23    |
| Australia                 | 13     |    |       |         |     |    |       | Indonesia                     | 22     |    |       |
| Austria                   | 12     |    |       |         |     |    |       | Iran (Islamic<br>Republic of) | 11     |    | 7     |
| Bangladesh                | 20     |    |       |         |     |    |       | Iraq                          |        | 14 |       |
| Belarus                   | 2      |    | 11    |         |     |    |       | Ireland                       | 7      |    | 4     |
| Belgium                   | 12     |    |       |         |     |    |       | Israel                        | 12     |    |       |
| Benin                     | 10     |    | 1     |         |     |    |       | Italy                         | 17     |    |       |
| Bolivia                   |        | 12 |       |         |     |    |       | Japan                         |        |    | 20    |
| Bosnia and<br>Herzegovina | 11     |    |       |         |     |    |       | Jordan                        | 6      |    | 5     |
| Botswana                  | 5      |    | 6     |         |     |    |       | Kazakhstan                    | 3      |    | 10    |
| Brazil                    |        |    | 20    |         |     |    |       | Kenya                         | 7      |    | 7     |
| Bulgaria                  | 12     |    |       |         |     |    |       | Kuwait                        | 8      |    | 3     |
| Burkina Faso              |        | 12 |       |         |     |    |       | Kyrgyzstan                    | 11     |    |       |
| Cambodia                  | 13     |    |       |         |     |    |       | Latvia                        | 11     |    |       |
| Cameroon                  | 8      |    | 5     |         |     |    |       | Lebanon                       |        |    | 10    |
| Canada                    | 15     |    |       |         |     |    |       | Liberia                       | absent |    |       |
| Cape-Verde                | 10     |    |       |         |     |    |       | Libyan Arab<br>Jamahiriya     | 7      |    | 4     |
| Chile                     |        | 13 |       |         |     |    |       | Liechtenstein                 | 10     |    |       |
| China                     | 23     |    |       |         |     |    |       | Lithuania                     | 11     |    |       |
| Congo                     | absent |    |       |         |     |    |       | Luxembourg                    | 10     |    |       |
| Costa Rica                | 10     |    |       |         |     |    |       | Malaysia                      | 14     |    |       |
| Croatia                   | absent |    |       |         |     |    |       | Mali                          | 2      |    | 10    |
| Cuba                      |        | 13 |       |         |     |    |       | Malta                         |        | 5  | 5     |
| Cyprus                    | 10     |    |       |         |     |    |       | Mauritius                     | 5      |    | 5     |
| Czech Republic            | 13     |    |       |         |     |    |       | Mexico                        |        |    | 19    |
| DPR of Korea              |        |    | 14    |         |     |    |       | Monaco                        | 10     |    |       |
| Denmark                   | 12     |    |       |         |     |    |       | Mongolia                      | 6      |    | 5     |
| Djibouti                  | 10     |    |       |         |     |    |       | Morocco                       | 14     |    |       |
| Ecuador                   | absent |    |       |         |     |    |       | Mozambique                    | 7      |    | 6     |
| Egypt                     |        | 18 |       |         |     |    |       | Namibia                       | 11     |    |       |
| El Salvador               |        |    | 12    |         |     |    |       | Nepal                         | 14     |    |       |
| Estonia                   | 11     |    |       |         |     |    |       | Netherlands                   | 13     |    |       |
| Ethiopia                  |        |    | 16    |         |     |    |       | New Zealand                   | 3      |    | 8     |
| Finland                   | 12     |    |       |         |     |    |       | Nicaragua                     |        |    | 12    |
| France                    | 17     |    |       |         |     |    |       | Niger                         |        |    | 13    |
| Gabon                     |        | 11 |       |         |     |    |       |                               |        |    |       |

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|         |    |    |  |                       |        |    |    |                             |        |    |    |
|---------|----|----|--|-----------------------|--------|----|----|-----------------------------|--------|----|----|
| Nigeria | 5  |    |  | Peru                  |        | 14 |    | Thailand                    | 18     |    |    |
| Norway  | 11 |    |  | Philippines           | 18     |    |    | The fYR of Macedonia        |        |    | 11 |
| Panama  |    | 11 |  | Poland                | 15     |    |    | Togo                        | 7      |    | 5  |
|         |    |    |  | Portugal              | 4      |    | 8  | Tunisia                     | 12     |    |    |
|         |    |    |  | Republic of Korea     | 16     |    |    | Turkey                      | 4      | 10 | 4  |
|         |    |    |  | Romania               | 14     |    |    | Uganda                      | 10     |    | 3  |
|         |    |    |  | Russian Federation    | 15     |    | 5  | Ukraine                     | 14     |    | 3  |
|         |    |    |  | San Marino            | 10     |    |    | United Arab Emirates        | 11     |    |    |
|         |    |    |  | Sao Tome and Principe | 9      |    | 1  | United Kingdom              | 17     |    |    |
|         |    |    |  | Singapore             | 10     |    |    | United Republic of Tanzania | absent |    |    |
|         |    |    |  | Slovakia              | 12     |    |    | Uruguay                     |        | 11 |    |
|         |    |    |  | Slovenia              | 7      |    | 4  | Venezuela                   |        | 13 |    |
|         |    |    |  | South Africa          |        | 16 |    | Viet Nam                    | 12     |    | 6  |
|         |    |    |  | Spain                 | 15     |    |    | Yemen                       |        | 13 |    |
|         |    |    |  | Sri Lanka             | absent |    |    | Yugoslavia                  | 13     |    |    |
|         |    |    |  | Sudan                 |        |    | 15 | Zambia                      |        | 12 |    |
|         |    |    |  | Suriname              | 5      |    | 5  | Zimbabwe                    | 5      |    |    |
|         |    |    |  | Sweden                | 12     |    |    |                             |        |    |    |
|         |    |    |  | Switzerland           | 12     |    |    |                             |        |    |    |
|         |    |    |  | Syrian Arab Rep.      |        | 13 |    |                             |        |    |    |
|         |    |    |  | Tajikistan            | 6      | 6  |    |                             |        |    |    |

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 THE WORLD'S PARLIAMENTS TO THE STRUGGLE  
AGAINST TERRORISM, IN CONFORMITY WITH RESOLUTION 55/158  
OF THE UNITED NATIONS GENERAL ASSEMBLY**

***Resolution adopted by consensus by the 105<sup>th</sup> Conference  
(Havana, 6 April 2001)***

The 105<sup>th</sup> Inter-Parliamentary Conference,

*Guided* by the purposes and principles set forth in the United Nations Charter (first preambular paragraph of UN General Assembly resolution 55/158),

*Aware* that the Inter-Parliamentary Union shares the principles and objectives of the Charter and that its activities complement and support the work of the United Nations (third preambular paragraph of the Cooperation Agreement between the UN and the IPU),

*Deeply disturbed* by the persistence of terrorist acts and their intensification worldwide (seventh preambular paragraph of UN General Assembly resolution 55/158),

*Mindful* of the importance of resolution 55/158 (Measures to eliminate international terrorism) adopted by the United Nations General Assembly,

*Stressing* the need to strengthen further international cooperation between States and between international organisations and agencies, regional organisations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and relevant international conventions (eighth preambular paragraph of resolution 55/158),

*Convinced* that all parliaments can make a major contribution to combating international terrorism in accordance with the above-mentioned resolution,

*Stressing* the importance of taking appropriate steps to deny safe haven to those who finance or commit acts of terrorism by ensuring their apprehension and prosecution or extradition (nineteenth preambular paragraph of resolution 2000/30 of the Commission on Human Rights),

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable regardless of their motivation, wherever and by whomsoever committed (operative paragraph 1 of resolution 55/158 and operative paragraph 1 of resolution 2000/30 of the Commission on Human Rights);
2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them (operative paragraph 2 of resolution 55/158);
3. *Urges* all States and governments to renounce and outlaw the financing, encouragement, provision of training or support for terrorist activities, as well as the

conduct on their territory of terrorist activities against other States, individuals or groups of individuals;

4. *Also urges* all parliaments in the world to promote the adoption of further measures in accordance with the United Nations Charter and the relevant provisions of international law, including international standards of human rights and the principle of self-determination, to prevent terrorism and to strengthen international cooperation in combating terrorism (operative paragraph 3 of resolution 55/158);
5. *Reaffirms* the determination of all parliaments to help strengthen international cooperation in this field in order to promote, both nationally and internationally, the adoption and application of effective measures to combat international terrorism and to repress it by prosecuting and punishing the perpetrators.

**RESULTS OF ROLL-CALL VOTE ON REQUEST OF THE DELEGATION OF GERMANY****FOR INCLUSION OF AN EMERGENCY SUPPLEMENTARY ITEM ENTITLED  
INTERNATIONAL ACTION TO MEET THE EMERGENCY SITUATION IN AFGHANISTAN,  
COMPOUNDED BY THE RECENT DESTRUCTION OF CULTURAL HERITAGE BY THE TALIBAN****Results**

|                         |     |   |     |
|-------------------------|-----|---|-----|
| Affirmative votes ..... | 984 | Total of affirmative and negative votes ..... | 984 |
| Negative votes .....    | 0   | Four-fifths majority.....                     | 787 |
| Abstentions.....        | 365 |   |     |

| Country                   | Yes    | No | Abst. | Country                       | Yes    | No | Abst. | Country     | Yes    | No | Abst. |
|---------------------------|--------|----|-------|-------------------------------|--------|----|-------|-------------|--------|----|-------|
| Albania                   | 10     |    |       | Germany                       | 19     |    |       | New Zealand | 11     |    |       |
| Algeria                   |        |    | 14    | Ghana                         | 13     |    |       | Nicaragua   |        |    | 12    |
| Angola                    |        |    | 12    | Greece                        | 10     |    |       | Niger       | 13     |    |       |
| Argentina                 |        |    | 15    | Guinea                        | absent |    |       | Nigeria     |        |    | 20    |
| Armenia                   | 10     |    |       | Guinea-Bissau                 | absent |    |       | Norway      | 11     |    |       |
| Australia                 | 13     |    |       | Hungary                       | 13     |    |       | Panama      | absent |    |       |
| Austria                   | absent |    |       | Iceland                       | 10     |    |       |             |        |    |       |
| Bangladesh                | 20     |    |       | India                         | 23     |    |       |             |        |    |       |
| Belarus                   | 13     |    |       | Indonesia                     | 22     |    |       |             |        |    |       |
| Belgium                   | 12     |    |       | Iran (Islamic<br>Republic of) | 18     |    |       |             |        |    |       |
| Benin                     | absent |    |       | Iraq                          |        |    | 14    |             |        |    |       |
| Bolivia                   | 10     |    |       | Ireland                       | 11     |    |       |             |        |    |       |
| Bosnia and<br>Herzegovina | absent |    |       | Israel                        | 12     |    |       |             |        |    |       |
| Botswana                  |        |    | 11    | Italy                         | absent |    |       |             |        |    |       |
| Brazil                    | absent |    |       | Japan                         | 20     |    |       |             |        |    |       |
| Bulgaria                  | 12     |    |       | Jordan                        | 11     |    |       |             |        |    |       |
| Burkina Faso              | 12     |    |       | Kazakhstan                    | absent |    |       |             |        |    |       |
| Cambodia                  | 13     |    |       | Kenya                         |        |    | 14    |             |        |    |       |
| Cameroon                  | 13     |    |       | Kuwait                        | absent |    |       |             |        |    |       |
| Canada                    | 15     |    |       | Kyrgyzstan                    | 11     |    |       |             |        |    |       |
| Cape-Verde                | 10     |    |       | Latvia                        | 11     |    |       |             |        |    |       |
| Chile                     | absent |    |       | Lebanon                       | 10     |    |       |             |        |    |       |
| China                     | 23     |    |       | Liberia                       | absent |    |       |             |        |    |       |
| Congo                     | absent |    |       | Libyan Arab<br>Jamahiriya     |        |    | 11    |             |        |    |       |
| Costa Rica                | 11     |    |       | Liechtenstein                 | 10     |    |       |             |        |    |       |
| Croatia                   | 11     |    |       | Lithuania                     | absent |    |       |             |        |    |       |
| Cuba                      |        |    | 13    | Luxembourg                    | absent |    |       |             |        |    |       |
| Cyprus                    | absent |    |       | Malaysia                      |        |    | 14    |             |        |    |       |
| Czech Republic            | absent |    |       | Mali                          |        |    | 12    |             |        |    |       |
| DPR of Korea              |        |    | 14    | Malta                         | 10     |    |       |             |        |    |       |
| Denmark                   | 12     |    |       | Mauritius                     | absent |    |       |             |        |    |       |
| Djibouti                  | 10     |    |       | Mexico                        | 19     |    |       |             |        |    |       |
| Ecuador                   |        |    | 10    | Monaco                        | 10     |    |       |             |        |    |       |
| Egypt                     | 18     |    |       | Mongolia                      | 10     |    |       |             |        |    |       |
| El Salvador               |        |    | 12    | Morocco                       | 14     |    |       |             |        |    |       |
| Estonia                   | 11     |    |       | Mozambique                    | 13     |    |       |             |        |    |       |
| Ethiopia                  |        |    | 16    | Namibia                       |        |    | 11    |             |        |    |       |
| Finland                   | 12     |    |       | Nepal                         | 14     |    |       |             |        |    |       |
| France                    | 17     |    |       | Netherlands                   | 13     |    |       |             |        |    |       |
| Gabon                     | 11     |    |       |                               |        |    |       |             |        |    |       |

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|                       |        |  |    |                      |    |  |    |                             |        |  |    |
|-----------------------|--------|--|----|----------------------|----|--|----|-----------------------------|--------|--|----|
| Peru                  | absent |  |    | Sri Lanka            | 13 |  |    | United Arab Emirates        |        |  | 11 |
| Philippines           | 18     |  |    | Sudan                |    |  | 15 |                             |        |  |    |
| Poland                | 15     |  |    | Suriname             | 10 |  |    | United Kingdom              | 17     |  |    |
| Portugal              | 12     |  |    | Sweden               | 12 |  |    | United Republic of Tanzania | absent |  |    |
| Republic of Korea     | 16     |  |    | Switzerland          | 12 |  |    | Uruguay                     |        |  | 11 |
| Romania               | 14     |  |    | Syrian Arab Rep.     |    |  | 13 | Venezuela                   |        |  | 13 |
| Russian Federation    | 15     |  | 5  | Tajikistan           | 12 |  |    | Viet Nam                    | 12     |  | 6  |
| San Marino            | absent |  |    | Thailand             | 18 |  |    | Yemen                       |        |  | 13 |
| Sao Tome and Principe | 10     |  |    | The fYR of Macedonia | 11 |  |    | Yugoslavia                  | 13     |  |    |
| Singapore             | 10     |  |    | Togo                 |    |  | 12 | Zambia                      |        |  | 12 |
| Slovakia              | 12     |  |    | Tunisia              | 12 |  |    | Zimbabwe                    |        |  | 13 |
| Slovenia              | 11     |  |    | Turkey               | 18 |  |    |                             |        |  |    |
| South Africa          |        |  | 16 | Uganda               | 13 |  |    |                             |        |  |    |
| Spain                 | absent |  |    | Ukraine              | 17 |  |    |                             |        |  |    |

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.



**INTERNATIONAL ACTION TO MEET THE EMERGENCY SITUATION  
IN AFGHANISTAN, COMPOUNDED BY THE RECENT DESTRUCTION  
OF CULTURAL HERITAGE BY THE TALIBAN**

***Resolution adopted by consensus by the 105<sup>th</sup> Conference  
(Havana, 6 April 2001)***

The 105<sup>th</sup> Inter-Parliamentary Conference,

*Recalling* its resolutions "Promoting greater respect and protection of human rights in general and in particular for women and children" adopted at its 96<sup>th</sup> Conference, "The prevention of conflicts and the restoration of peace and trust in countries emerging from war, the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction" adopted at its 99<sup>th</sup> Conference, and "Action to combat the consumption and illicit trafficking of drugs and organised crime" adopted at its 100<sup>th</sup> Conference,

*Recalling also* the relevant United Nations Security Council resolutions, especially Nos. 1267 (1999) and 1333 (2000), United Nations General Assembly resolution 55/243 of 9 March 2001, and the statements by the President of the Security Council on the situation in Afghanistan,

*Calling attention* to the relevant international conventions on combating terrorism, and especially the obligation of signatory States to hand over terrorists or prosecute them under criminal law,

*Recalling* the human rights principles to which the international community is committed, which are established in various United Nations declarations, conventions and covenants on political, civil, economic, social and cultural rights and have been repeatedly reaffirmed by the Union,

*Recalling* in particular that the Vienna Declaration and Programme of Action adopted in 1993 emphasise, *inter alia*, that the human rights of women and children are an inalienable, integral and indivisible part of universal human rights,

*Appalled* by the persistent violations of human rights in those parts of Afghanistan which are controlled by the movement known as the Taliban, especially the flagrant violation of the most basic rights of men, women and children,

*Recalling* the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted in The Hague on 14 May 1954,

*Condemning* the Taliban's decision to destroy Afghanistan's pre-Islamic and Buddhist cultural heritage and their implementation of that decision despite all the appeals by the international community and, indeed, the efforts of spiritual leaders from the Islamic world,

*Also condemning* the fact that the areas of Afghanistan controlled by the Taliban continue to be used as safe havens for terrorists and for training, planning and organising terrorist activities,

*Deeply concerned* at the fact that the territory under the control of the Taliban has emerged as one of the largest drug-producing areas of the world,

1. *Calls on* the Taliban to comply immediately with United Nations Security Council resolutions 1267 (1999) and 1333 (2000);
2. *Urges* all States to ensure strict compliance with all the measures stipulated in those two resolutions;
3. *Exhorts* the Taliban to respect human rights, in accordance with the relevant international declarations, conventions and covenants;
4. *Urges* the Taliban, in particular, to end the grave violations of the human rights of women and girls, and all forms of discrimination against them;
5. *Calls on* the Taliban, in particular, to guarantee that women and girls have unrestricted and equal access to health care, education and employment outside the home;
6. *Strongly urges* the Taliban to lay down their weapons and initiate negotiations with the Afghan Government, immediately and without conditions, under the auspices of the United Nations, with the objective of forming a multi-ethnic, democratic and representative government;
7. *Demands* that the Taliban reverse their decision to destroy Afghanistan's pre-Islamic and Buddhist cultural heritage, and cease the destruction immediately;
8. *Enjoins* the Taliban to close all terrorist training camps in the areas under their control, to surrender wanted terrorists to countries where they could be tried and to stop granting sanctuary to international terrorists and their organisations;
9. *Calls on* the Taliban once and for all to end all illicit trafficking of drugs in the areas under their control and to impose a genuine and permanent ban on the cultivation of opium poppies, the proceeds of which finance Taliban activities;
10. *Urges* the Taliban to guarantee safe and unrestricted access for aid agency workers and humanitarian supplies to all those in need of assistance in the areas under their control without discrimination or conditions;
11. *Calls on* the United Nations Security Council to condemn energetically the actions of the Taliban in Afghanistan and to appeal to UN Member States to take appropriate measures with a view to ending violations of the fundamental principles of international law and human rights in Afghanistan.

## COOPERATION BETWEEN THE INTER-PARLIAMENTARY UNION AND THE UNITED NATIONS

### *Report adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

During the United Nations Millennium Summit, Heads of State and Government resolved to further strengthen cooperation between the UN and national parliaments through their world organisation, the Inter-Parliamentary Union.

The United Nations General Assembly subsequently adopted, on 8 November 2000, resolution 55/19 on cooperation between the UN and the IPU in which it asked the UN Secretary-General, "*in consultation with member States and with the IPU, to explore ways in which a new and strengthened relationship may be established between the IPU, the General Assembly and its subsidiary organs*".

The Executive Committee has elaborated a set of initial suggestions for such a "new and strengthened relationship", which are contained in the attached document. This document has been shared with all IPU members, the UN Secretary-General and member States in New York. In the document, the Executive Committee suggests that the future relationship between the IPU, the UN General Assembly and its subsidiary organs should :

- Be reciprocal and complementary and replace the Union's current consultative status, category I, with the Economic and Social Council;
- Represent a major step forward from the cooperation established under the 1996 Agreement; the document prepared by the Executive Committee makes a number of suggestions in this direction, including for operational support, in paragraphs 9 and onwards;
- Cover the variety of fields identified by the Heads of State and government in the Millennium Declaration; at the same time, provide for strategic planning of cooperation between the two Organisations to permit the IPU to make an effective contribution to the work of the United Nations;
- Provide opportunities for the IPU to make particular contributions to the work of the United Nations in areas, such as democracy and institution building, in which it has particular expertise; also allow for the IPU on occasion to be invited to participate in the work of the United Nations Administrative Committee on Coordination when it considers those areas of work;
- Foresee a place for the IPU with a nameplate in the General Assembly and its subsidiary organs in a manner that reflects the independence of the UN and the IPU;
- Offer the IPU the possibility to make oral statements and circulate documents to the UN General Assembly and its subsidiary organs to convey the views of the full membership of the Organisation.

In its resolution 55/19, the United Nations General Assembly requests the UN Secretary-General to submit a report on his consultations with Member States and the IPU on the above subject to the General Assembly in May 2001. The Executive Committee urges all Members of the Union to work with their respective Ministries of Foreign Affairs and Permanent Representatives in New York to ensure that the above proposals are reflected in the UN Secretary-General's report.

### **Suggestions for a new and strengthened relationship between the**

## **IPU, the UN General Assembly and its subsidiary bodies**

prepared by the IPU Executive Committee  
(New Delhi, 7 December 2000)

### Background

1. The Inter-Parliamentary Union is committed to providing a parliamentary dimension to international cooperation. This commitment was most recently confirmed by the Conference of Presiding Officers of National Parliaments. Governments as well are increasingly calling for strengthened cooperation between the United Nations and national parliaments through their world organisation, the Inter-Parliamentary Union.

2. In order for the IPU to be an effective link for cooperation between parliaments and the United Nations, it needs "*a new and strengthened relationship with the UN General Assembly and its subsidiary organs.*" This is recognised by the General Assembly which, at its 55<sup>th</sup> session, requested the UN Secretary-General, *in consultation with member States and with the IPU*, to explore ways in which such a relationship may be established. The present note contains initial suggestions elaborated by the organisation's Executive Committee to achieve this purpose.

### New relationship

3. The General Assembly refers to a new relationship between the IPU, the UN General Assembly and its subsidiary organs. Currently, the IPU's relationship with the United Nations is determined by the organisation's consultative status, category I, with the UN Economic and Social Council\*, and by the Cooperation Agreement concluded between the two organisations in 1996.

4. The Executive Committee suggests that the new relationship should replace the Union's consultative status, category I, with the Economic and Social Council. It should also represent a major step forward from the cooperation established under the 1996 Agreement.

### Strengthened relationship

5. The UNGA resolution also refers to a strengthened relationship. The Executive Committee suggests that such a relationship should make it possible, in practice, for the IPU to bring a parliamentary dimension to the work of the United Nations and, in the words of the Millennium Declaration of the Heads of State and Government, permit the latter to cooperate with national parliaments through the IPU.

6. The Committee is of the view that this relationship should be reciprocal to allow the two organisations to contribute to each other's work. It should be a two-way relationship in which the IPU can serve as a relay from national parliaments to the United Nations and from the United Nations to national parliaments.

7. Moreover, the relationship should be complementary. The IPU wishes to offer additional support to the United Nations System without seeking to replace the existing governmental cooperation within the world organisation.

8. Finally, the relationship should not alter the fact that the two organisations are independent of each other. The Executive Committee suggests that the IPU be given a place with

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\* Consultative arrangement under article 71 of the UN Charter which is available to non-governmental organisations that are concerned with matters within the competence of the UN Economic and Social Council

a name plate in the General Assembly and its subsidiary bodies in a manner that reflects this independence.

#### How can the IPU contribute to the United Nations?

9. The IPU can help the United Nations to strengthen its cooperation with national parliaments in several ways. The Executive Committee suggests that the Union can, in particular,

- Channel to the United Nations the views of the people, in all their diversity, as expressed in parliamentary debates and discussions at the IPU;
- Promote parliamentary awareness and action in support of both international agreements reached at the United Nations and UN programmes;
- Further international agreements by promoting activities by parliaments and their members to mobilise public opinion and forge national support for international action;
- Prepare analyses and reports on parliamentary activities relevant to the work of the United Nations, particularly in areas where the IPU has particular expertise;
- Provide support to parliaments with the aim of increasing their capacity to carry out, at the national level, their legislative and oversight functions with regard to matters which are subject to international cooperation at the United Nations.

#### Field of activities

10. The Executive Committee concurs with the Millennium Declaration that the strengthened cooperation should cover various fields, including peace and security, economic and social development, international law and human rights, democracy and gender issues.

11. At the same time, it suggests that there is a need for strategic planning of this cooperation. To this end, the Committee suggests that the IPU could work with the UN Secretary-General and Member States to identify elements for a programme of work for the IPU in which the Union would promote parliamentary debate and action in specific areas jointly identified as priorities for receiving parliamentary attention and support. In this context, the UN could also be given the faculty to propose items for consideration by the IPU.

#### Mechanisms for the implementation of a new and strengthened relationship

12. The Executive Committee believes there is scope for further developing the organisation's support to the United Nations by increasingly and more systematically providing a platform for the United Nations to interact directly with parliaments and their members. This can be done at the different parliamentary meetings the IPU organises, including by expanding on the annual parliamentary meeting it organises in cooperation with the United Nations on the occasion of the General Assembly and by more systematically organising parliamentary meetings in connection with UNGA Special Sessions and United Nations Conferences and Summits.

13. Moreover, the Committee believes that for the IPU to channel parliamentary support to the United Nations, whether the work relates to issues that are on the agendas of the General Assembly, its Main Committees, the Economic and Social Council, the Trusteeship Council and

their subsidiary bodies or those of specialised conferences and summits organised by the United Nations, it should be able to participate without a vote in the work of these bodies, make oral statements and circulate documents. It is understood that IPU's contribution would be confined to those limited instances when the organisation has developed a specific position to be relayed to the United Nations.

14. The Committee also suggests that the IPU provide information and other assistance in areas where it has specific expertise whenever requested by the General Assembly, its Main Committees, the Security Council, the Economic and Social Council, the Trusteeship Council and their subsidiary bodies or by specialised conferences and summits organised by the United Nations.

#### Operational activities

15. Over and above providing political support to the United Nations organs, the Executive Committee suggests that the IPU could also provide operational support to the United Nations Departments, Programmes and Agencies.

16. In relation to promotion of peace and security, the Committee believes that there is a potential for closer involvement of the IPU in certain peace-building and peace-keeping operations where the organisation, through its technical assistance programme, can channel support from national parliaments to the building and strengthening of democratic structures and, in particular, to the parliament itself.

17. The IPU has developed specific expertise in relation to human rights, democracy and gender issues. In these fields, the Committee believes that cooperation could be increased significantly, and duplication of activities avoided, particularly in areas such as the provision of statistical data and the granting of technical assistance to States.

#### Coordination of activities

18. The Executive Committee also suggests that the IPU could on occasion be invited to participate in the work of the United Nations Administrative Committee on Coordination when the latter is considering matters on which the IPU has special expertise such as in the field of democracy.

## IPU ACTIVITIES TO STRENGTHEN DEMOCRACY AND PARLIAMENTS

**- FIVE-YEAR REVIEW 1996-2000<sup>1</sup> - endorsed by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)**

### Executive Summary

1. The Programme for the Study and Promotion of Representative Institutions<sup>2</sup> has its origins in the mid-1960s when the IPU created the International Centre for Parliamentary Documentation. Over the years, this initially documentary facility has evolved into a major programme for the promotion of parliaments and democracy. It has two main objectives today: (i) to improve understanding of how parliaments are formed and function, and (ii) to strengthen their means of action so that they can function more effectively.

2. The Programme seeks to meet these twin objectives through five complementary activities that focus on parliaments: (i) collecting specialised literature and documents; (ii) building and maintaining related data bases; (iii) publishing reference tools; (iv) undertaking analytical studies; and (v) providing technical assistance.

3. From 1996 to the end of 2000, the IPU Library increased its holdings from close to 8,500 books and studies to over 9,800, while the number of articles rose from 30,000 to 34,000. The Parlit (Parliamentary Literature) database, which contains bibliographical references registered in the library, was further developed, now has over 46,000 entries and is directly accessible on the IPU site. The collection of basic texts (national constitutions, electoral legislation, standing orders/rules of procedure, etc.) was updated during the period and references were recorded in an electronic register.

4. The Parline (Parliaments on Line)<sup>3</sup> database was extensively developed. Initially established in 1994, it provides basic data on the structure and working methods of all national parliamentary assemblies. It currently has five modules : general information, electoral systems, results of last elections, presiding officers and parliamentary mandate; the last two were developed during the period under review. Progress has been slower in developing this database as a result of the considerable amount of resources that have had to be devoted to maintaining the current modules.

5. Three reference tools are published each year: *List of Books and Articles Catalogued*, *World Directory of Parliaments* and *Chronicle of Parliamentary Elections*. All three of them were slightly modernised during the period under review and are now issued at the beginning of each year.

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1 The full version of this report can be obtained from the Secretariat of the Inter-Parliamentary Union

2 Throughout this report, this programme will be referred to as *Parliamentary Support Programme*.

3 The other database on *Women in Politics* is maintained by the Programme for the Promotion of Partnership between Men and Women.

6. During the five years under review, the IPU issued three major analytical studies: *Democracy: its Principles and Achievements*; *Presiding Officers of National Parliamentary Assemblies* and *The Parliamentary Mandate*. Two more are currently under way: *Standards in Public Life* and *Relations between the Executive and Legislative arms of Government*.

7. The Union's technical assistance component of the Programme saw a phenomenal growth during the reporting period with a yearly average of 10 projects. In all, 19 parliaments, mainly in Africa and Asia, received various forms of assistance from the IPU, including needs assessments, advisory services, training and equipment. Four regional seminars were also organised, all in Africa, on issues of topical interest to parliaments and parliamentarians.

8. In providing this assistance, the IPU continued to rely on a core group of donors including the United Nations Development Programme (UNDP), the European Commission, the Norwegian Agency for Development Co-operation (NORAD) and the Swedish International Development Co-operation Agency (SIDA). These agencies together provided a yearly average volume of funding of about \$6 million with the UNDP accounting for more than 70% of this amount and an equal proportion of the number of projects. The IPU has also initiated contacts with other agencies such as the World Bank and the UN Economic Commission for Africa with a view to mutually beneficial co-operation in the field of strengthening parliamentary capacity to ensure accountability and transparency in government.

9. The programme of work carried out over the last five years benefited from strong support from many parliaments that offered staff, information, advice and other support. The Association of Secretaries General of Parliament (ASGP) was also an important partner, especially in relation to the collection of reliable data on parliaments and the different analytical studies.

#### Some suggestions for the future

10. In 1997, the IPU adopted the *Universal Declaration on Democracy*. This Declaration provides a comprehensive statement on democracy which clarifies that democracy is both an ideal to be pursued and a system of government. As an ideal, democracy aims to preserve and promote the dignity and fundamental rights of the individual. In its second meaning, democracy is closely linked to the rule of law and human rights. It is founded on the right of everyone to take part in the management of public affairs; it 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.

11. The Parliamentary Support Programme - together with IPU's Programmes for the Promotion of Partnership between Men and Women and for the Defence and Promotion of Human Rights - provide operational support to the Organisation's work to promote democracy. A major challenge facing the IPU is to give more concrete expression in its future work programme to the precepts contained in the *Universal Declaration on Democracy*.

12. In this area of activity as indeed in others, the IPU will also be required to implement the *Parliamentary Vision for International Co-operation at the Dawn of the Third Millennium* that was adopted by the Conference of Presiding Officers of National Parliaments in 2000. In this declaration, the heads of parliaments pledged to work towards the establishment of a culture of democracy and to ensure that Parliaments contribute substantively to international co-operation at all levels but first of all at the national level. The implementation of this vision calls for an integrated approach to the work of the Parliamentary Support Programme in conjunction with the work done under the gender partnership and human rights programmes.



13. It is suggested that IPU's ambition should be to establish itself as the international focal point for information on and promotion of democracy worldwide from the perspective of parliaments: in other words, serve as a one-stop source of information on parliaments and democracy. So far, the Union's library has focused on collecting, indexing and storing parliament-related information. It has made available this information only upon request and on an ad hoc basis. It is suggested that the IPU transform this important information tool into a proactive source of parliament-related documentation.

14. To achieve this purpose, it is suggested that the library be transformed into a comprehensive information, documentation and research service. Its research capacity would need to be strengthened while making full use of the opportunities offered by new information and communications technologies. It could serve as a public forum for in-depth examination of issues of parliaments and democracy through, for example, workshops and seminars. It could moreover develop new tools for the promotion of parliaments and democracy ranging from relatively simple school and education materials to more sophisticated studies on the functioning of democracy, examined from the special focus of parliaments.

15. As regards technical assistance, the upward trend is bound to continue over the next several years as more parliaments request the IPU's assistance and an increasing number of partners seek to work with it in promoting democracy and good governance. The IPU will be faced with the challenge of meeting the expectations of these partners to provide more, better and more diversified projects.

16. The IPU relies mainly on the authorities of the recipient parliaments for local logistical and other backstopping in the implementation of projects. While the merits of this approach are evident in terms of developing local project management capacity and ownership, it has its drawbacks when the response rate from local partners is, for a variety of reasons, very slow. The IPU therefore needs to develop more effective mechanisms to ensure a cost-effective field presence as a means of securing speedy project implementation.

17. The IPU depends almost entirely on external partners for funding for its technical assistance to parliaments with one donor providing almost three quarters of the support. Over-dependence on a single donor or group of donors bears considerable risk. There is therefore an urgent need to explore other sources and effective mechanisms of funding. The IPU may consider developing a programme approach on the basis of which trust fund/framework agreements, like the one with UNDP, could be negotiated with other donors.

18. The Parliamentary Support Programme has operated over the past five years with a core staff of five persons. These resources have been stretched to their very limit and it is increasingly difficult to cope with queries for information, maintain the databases, conduct analytical studies, receive and process requests for technical assistance and see to the day-to-day implementation of projects. With a continuously increasing workload, a growing proportion of staff time is devoted to logistical and administrative tasks with little time left for substantive work.

19. This situation mirrors the general human resource situation of the Secretariat. The problem of shortage of human resources will therefore need to be addressed in the overall context of the reform of the Organisation and the move to new premises. As budgetary constraints may preclude staff increases within the IPU core budget, alternative sources of staffing will have to be explored, including through co-funding of new positions, secondment from national parliaments and use of internship opportunities.

20. Recent years have seen the emergence of many new agencies and organisations in the field of democracy and parliaments. They generally have more substantial human, material and financial resources at their disposal. However, the IPU has a comparative advantage in that it can draw upon the expertise and human resources of its member parliaments. To continue to maintain this edge and guarantee success, the Organisation must be able to involve the Union's members more effectively in IPU's activities in this field. In short, the IPU needs to market its democracy and governance products efficiently.

## IPU INFORMATION STRATEGY

### *Proposal endorsed by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

#### Introduction

1. The objective for IPU's information strategy is to make the Organisation and its work more visible. The extent to which it will be successful will depend upon two factors; the quality of the product - in this case the IPU and its work - and the policy and resources at its disposal to render this product more visible.
2. The reform process currently underway in the IPU will determine the nature of the organisation, its priorities\*, its agenda for the coming years, the result and quality of its work and, consequently, its relevance to today's world – in other words: the product. The present report does not deal with these issues but focuses on the question of information policy and resources.

#### The resources available to the IPU

3. IPU's information strategy seeks to draw maximum benefit from the stakeholders within the Organisation. These include the senior official representatives of the organisation, the Union's membership, parliamentary secretariats and press services and the IPU Secretariat. The strategy calls for the latter to play a creative role in developing effective synergies between these key participants to promote public awareness and interest in the organisation and its work.
4. The information strategy also seeks to make the most cost effective use of limited financial resources. This approach involves making better and more extensive use of new information technologies, strengthening the IPU Web site, developing information tools and making them widely available, and streamlining current information publications.

#### Facilitating parliamentary participation in information activities

5. Greater emphasis will be placed on the senior office-holders of the Organisation to assist them in generating media interest in the work of the IPU. Media briefings will be organised by senior IPU office holders in their respective countries, in cooperation with national parliaments. Simple press kits will be prepared by the IPU Secretariat on specific IPU activities (political debates, special programmes on democracy e.g., studies, maps, etc) for use during such briefings.
6. The IPU Secretariat will provide more effective support to information activities of parliamentary delegations attending IPU meetings. Better use will be made of the IPU Press centre at the Conference venue. It is also proposed to organise a small one-day seminar with an information specialist on steps that can be taken by delegation secretariats to create media interest in activities carried out by IPU delegations and their members. A trial seminar could be organised for delegation secretaries on the occasion of a future Statutory Conference.

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\* The defence and promotion of democracy is a major priority for the IPU and the Organisation's work and output in this field constitute one of its most effective media attractions. This aspect is dealt with in the context of the five-yearly evaluation of the Union's Programme to promote representative institutions, which is on the Council's agenda, and is the subject of a separate report. See also comments made below in paragraph 17 and 21.

7. Efforts are already underway to find out from national parliaments how they disseminate information to the wider public and to examine with them how their information services (press or media offices, for example) can more systematically provide information about the IPU and its work. Contact information, including electronic mail, should be shared with the IPU Secretariat so that it may establish direct contact with these services and share information material with them (press releases, press notices, brochures, etc.). The preparation of a data base for all this information has already begun.

#### Creating network of media representatives

8. The Secretariat has for some time been developing regular contacts with media representatives throughout the world and storing contact information in a data base. Press-releases, new studies and other IPU products are regularly shared with them, primarily by using electronic mail facilities. National Parliaments can assist the IPU Secretariat in further developing this network by providing concrete suggestions regarding media representatives that can be contacted in their respective countries.

9. A special outreach effort is under way with representatives of Radio and Television channels. Here again, national parliaments can greatly facilitate the task by providing suggestions and contacts for follow up by the IPU Secretariat.

10. The Secretariat is seeking closer contact with information departments of major international organisations and, in particular, the United Nations. The aim is to explore avenues for creating new outlets for media outreach, pooling resources on the occasion of media events (joint press briefings and releases e.g.) and sharing production facilities (e.g. in preparing film footage).

#### Producing basic information tools

11. The Secretariat produces an *IPU Brochure*, which provides basic information on the organisation and serves as its "visiting card" in parliaments and elsewhere, as well as a *List of Publications*. The dissemination of both these publications could be reviewed and improved with the help of the Union's members.

12. The *Summary Records* of IPU Statutory Conferences, the *Results of IPU Conferences and related meetings* and the *Secretary General's Annual Report* which provides an overview of the Union's activities in the course of a year, together constitute the complete official record of IPU's activities. They will in the future be published as part of a series, with similar and easily identifiable covers.

13. A new publication – *The World of Parliaments: an IPU Quarterly Review* - will be produced to complement the above information tools. This publication will replace the twice-yearly *Bulletin* the content of which largely overlaps with the IPU's official records (paragraph 12 above) as well as the recently established monthly journal published on IPU's Web site. It will be issued four times a year in English and French and would be published both on the IPU Web site and on paper.

14. The content of the quarterly will consist of an editorial, an interview with a parliamentary leader, a feature article on issues relating to democracy and parliamentary developments, a report on an IPU activity (for example, a technical cooperation project or an IPU mission), an article on an IPU Committee and its work, a report on one or more cases of parliamentarians before the Committee on the Human Rights of Parliamentarians, information up-dates, gender issues, news briefings, parliamentary developments, stories relating to follow-up

by parliaments of IPU resolutions, an insight into the past history of the IPU, to mention but some examples.

15. Video footage will be developed more systematically on several of IPU's activities and provided to parliaments, television channels and other media in the form of B-rolls and similar outputs. The material will include interviews of prominent figures and leaders in parliaments and elsewhere and information on concrete IPU actions, particularly under its permanent programmes to strengthen parliaments, promote partnership between men and women in political life, and defend human rights. The material will provide visual support to information on IPU and its work.

16. Several exhibitions can also be developed. One could depict the IPU through the years (a historical overview); another could portray the world's parliamentary buildings; yet another could show images of important moments in national parliamentary life. They could be displayed at the new IPU Headquarters (The House of Parliaments), at Statutory Conferences and in national Parliaments. If resources could be found, they could also be published in book form.

#### IPU Web site

17. The IPU Web site has been developed over the last five years and provides today not only information about the IPU and its work, but constitutes an important global reference point on parliaments and democracy. This site can be significantly developed in the years to come - particularly in relation to parliaments and democracy - and could thus considerably enhance the IPU's visibility.

#### Creating special events

18. The release of major studies carried out by the IPU is increasingly being planned as major media events through a combination of media campaigns, press releases, B-rolls, interviews, etc. This type of event can be organised simultaneously in several countries. The same treatment could also be extended to other IPU "products" (such as statistical surveys, seminars, workshops and specialised meetings).

19. A special media event should be created on the occasion of each statutory conference. It could be structured around an issue that is relevant to the agenda of the IPU and to the country and/or region in which the conference takes place. In the past, this has been done in connection with the release of the IPU handbook on respect for international humanitarian law.

20. The IPU should also take greater advantage of the natural media focus on major international events, be they major global summits or "international days", such as International Women's Day. At these events, the IPU could release information and statements on a related subject on which it has special expertise, for example democracy and people's participation in public affairs, which is IPU's particular area of expertise.

#### Other activities

21. The inauguration of the new IPU Headquarters - the House of Parliaments - in Geneva next year could be the occasion for a major media focus on the IPU. Indeed, the move into the new premises could serve as an important catalyst for the Organisation's future information activities. The new headquarters could develop into a global centre for information and documentation on parliaments and democracy with a series of activities (workshops, seminars, public debates, etc.) that could create media interest.

22. The IPU could attend major international book fairs and exhibitions. The United Nations has offered to assist with the display of IPU publications at some of these fairs. National Parliaments could maybe play a similar role and ensure that IPU publications and other products are displayed at fairs taking place in their respective countries.

23. It may also be possible to sell IPU publications through United Nations information centres. This option is currently being explored with the United Nations Office in Geneva.

## REFORM OF THE INTER-PARLIAMENTARY UNION

*Report noted by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)*

### Background

1. Based on its earlier discussions on reform of the Organisation and on contributions made by many of the geopolitical groups, the Executive Committee held an extensive debate at its meeting in New Delhi (December 2000). It developed a vision for the IPU in the future, identified broad objectives for reforming the Organisation, and defined the prospective political role, nature and priorities of the IPU.
2. The initial set of proposals prepared in New Delhi relating to the *future structures and working methods of the IPU* have been further developed by the Secretary General in the present note. It is circulated to all the Union's members at the request of the Executive Committee. Members are invited to submit their comments and suggestions to the Secretariat no later than the end of June 2001. The Executive Committee intends to hold its next session in Geneva in July 2001 when it will prepare a comprehensive set of recommendations for submission to the Council.

### Overall structure

3. The future structure of the IPU would take the form of an annual Conference or Assembly with several Select or Specialised Committees, a Governing Council, and an Executive Committee.

### **One annual Conference or Assembly**

4. The present system of two Statutory Conferences per year could be replaced by one annual Conference or Assembly. Whether Conference or Assembly, this mechanism would be the main plenary political body of the IPU. Like the present Statutory Conference, it could be composed of delegations reflecting the political spectrum in parliament. It could meet in different countries at the invitation of their parliaments. The Speaker of the host country could preside over the Assembly/Conference, and be assisted by a Bureau; there could be a weighted voting system.
5. This event could include the following activities:
  - (a) A general debate on the political, economic and social situation in the world. This debate would take place throughout the Conference and would be interspersed with the activities suggested below. The debate could be given an overall theme;
  - (b) A special debate on a particular subject within the competence of one or more international organisation belonging to the United Nations system, the Bretton Woods institutions or the WTO. The debate would be brief (one half day) and would include a "hearing" with a head of the organisation(s) concerned and/or a panel discussion. This event would not culminate in the adoption of a resolution but could be the subject of a Chairman's summary;
  - (c) A special debate on a particular subject of a political nature. The subject would be decided on by the Conference at the beginning of its work following

recommendations by its Bureau. The debate would last at least a day and would lead to the adoption of a report/decision/resolution that would be prepared by the Conference;

- (d) Meetings of special mechanisms on security and cooperation issues (for example the CSCM). These mechanisms would continue to meet in the course of the Conference. They would report to the plenary of the Conference;
- (e) Activity reports of the Select or Specialised Committees. The Conference would hear the reports of the Select or Specialised Committees on their activities during the year. The Bureaux of these Committees would also meet (individually and collectively) to plan and coordinate their work for the following twelve month period.

#### Several Select or Specialised Committees

6. The Assembly/Conference could have a certain number of Select or Specialised Committees. These Committees would specialise in certain subject areas that would have to be defined. Depending upon available resources, three or four Committees could be established initially. If there are only three, their work could be divided between the three main sectors of IPU's action: peace and security; development; and democracy and human rights.

7. The total size of the Committees would depend on a variety of factors, such as the need to ensure that each Committee is truly representative of the full membership of the Organisation and at the same time allow for real debate among the members. A key could be developed to distribute the membership between the different geopolitical groups.

8. Parliaments would be elected to the Committees for the duration of a specific mandate (e.g. minimum three years, possibly renewable once). In order to ensure continuity, the full membership would not be elected at the same time but, for example, one-third every year.

9. Each parliament would decide on who among its members would represent the institution on the Committee. These members should be persons who have expertise in the national parliament in the area covered by the Committee in question. Each member could be assisted by other members from his or her parliament.

10. The working modalities for the Committees could be along the following lines:

- (a) Each Committee could meet for a minimum of two or three sessions a year. Each meeting could last between two and three days;
- (b) The meetings of the Committees could take place in Geneva, the location of the Headquarters of the IPU. Some meetings could however take place elsewhere at the invitation of a parliament;
- (c) The Committees could also convene some of their meetings on the occasion of major world summits and international conferences. These could be combined with the holding of "parliamentary days";
- (d) One session of one of the Committees could be held in New York in the second half of the year. The Committee could then also organise a larger (plenary) meeting of members of parliaments attending the United Nations General Assembly and hold a hearing with senior UN officials. This meeting could have a theme and focus on the field of activities covered by the Committee in question;



- (e) Each Committee could have a Bureau with a President and as many Vice-Presidents as there are geopolitical groups in the IPU. The members of the Bureau could be elected in their personal capacity (*ad personam*). The Bureau would be responsible for preparing the work programme of the Committee and assisting the President in running each meeting;
- (f) Each Committee could elect one or more Rapporteurs who would be responsible for preparing the debates that would take place during the Committee meetings. The Rapporteur could prepare a substantive background document or report on his or her own authority to facilitate the debate;
- (g) Each Committee could undertake missions to study particular issues on the spot. It could also hold hearings, invite special guests and call on resource persons to assist it in its work. Moreover, it could commission special studies from international organisations with particular expertise in the field under study. These activities would necessarily be limited subject to availability of funds;
- (h) Each Committee could establish sub-Committees on select topics within its field of competence. These sub-Committees could play the role which is currently played by Committees set up by the IPU Council (with the possible exception of the Committee on the Human Rights of Parliamentarians which would need to continue to report to the Council as well);
- (i) Each Committee could write an annual report that would be presented to the annual IPU Assembly/Conference (see also paragraph 5(e) above).

#### An IPU Governing Council and an Executive Committee

11. The IPU could continue to have a plenary governing Council that would remain the main policy making body of the Organisation. It would, as hitherto, be assisted in its work by an Executive Committee.

12. The governing Council could meet once a year when it would debate the overall policy and programme of the Organisation, decide on its membership, consider the financial situation, adopt the budget for the following year and review any other matter referred to it by the Union's members.

13. Letters of accreditation could be used to formalise the representation of each parliament in the Council. In the interest of facilitating representation in each delegation of majority and minority parties as well as both sexes, the size of the delegation could be increased to three. It would also be possible to limit the number to two for those delegations whose composition would not meet the above criteria.

14. The Executive Committee would maintain its present mandate but could make more effective use of it. For example, the Committee could play a more active role in relation to the various Committees set up by the organisation. The Committee could also meet more frequently, for example, three times a year.

15. The composition of the Committee could be enlarged to ensure that it is fully representative of all the major regions and sub-regions present in the Organisation. This could be accomplished by a relatively small increase in the number of members.

#### Meeting of Women Parliamentarians

16. During an initial period, the Meeting of Women Parliamentarians could continue to meet on the first day of the annual Assembly or Conference. There is a need to ensure, however, that the concept of partnership between men and women (or a gender perspective) is better integrated in the different structures and programmes of the IPU and in the outcome of its activities.

#### Role of geopolitical groups

17. Geopolitical groups could play a more prominent role in the IPU both as regards the substance of the work of the Organisation and in relation to elections, for example of parliaments to sit on Select or Specialised Committees. This could be accomplished through greater and more frequent interaction between these groups and the leadership of the Organisation. This may require a certain formalisation of the work of these Groups as well.

#### Relationship with inter-parliamentary assemblies and geopolitical groups

18. The IPU could establish a closer and complementary working relationship with certain inter-parliamentary assemblies and organisations. This could be done particularly with those entities which share the IPU's objectives and working methods.

19. The work of some of these assemblies and organisations could be better integrated into the work of the IPU at the level of the proposed Select or Specialised Committees. This could be accomplished through the reports of the Rapporteurs and during the meetings themselves, for example, by using the mechanisms foreseen in paragraph 5(b) above.

20. Their work and experience could also be put to use in the context of the proposed annual Assembly/Conference, for example in the context of the special debate referred to in paragraph 10(g) above.

#### Relationship with the United Nations system, the Bretton Woods institutions and the WTO

21. An important objective of the reform process is to give the IPU the means to provide a parliamentary dimension to international cooperation and the relevant multilateral organisations. The proposal outlined above provides a multitude of opportunities for greater interaction between the United Nations system, the Bretton Woods institutions and the WTO, particularly in the context of an annual Assembly/Conference and the Select or Specialised Committees.

22. In addition, the IPU could on occasion continue to organise special conferences on specific subjects in cooperation with international organisations. These meetings could be prepared by the corresponding Select or Specialised Committee.

#### Budgetary implications

23. The budgetary implications of the reform of the Organisation can only be determined with any precision once the Executive Committee has given greater guidance on the elements of reform. The proposals contained in the present document would have the following general implications on the resources of the IPU. On the one hand, important savings could result from the proposed reduction in the number of statutory conferences from two to one per year. These savings would, however, be almost entirely absorbed by costs resulting from the preparation, organisation, servicing and follow-up of several meetings of select or specialised Committees and an extra meeting of the Executive Committee. On the other hand, if all or most of these Committees were to meet at Geneva Headquarters, substantial economies could be achieved.

24. These proposals would inevitably result, over time, in an increased general work programme for the Union that would also require additional staff. In view of the current financial situation of the Union, some of these needs would in the short term have to be met through the redeployment of staff and external support.

## COMMITTEE ON MIDDLE EAST QUESTIONS

### *Report adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

1. The Inter-Parliamentary Union's Middle East Committee, after hearing the Israeli and Palestinian delegations, expressed its most serious concern about the situation in the area.
2. It regretted the halt in the peace process and the escalation of violence, the main victims of which are civilians.
3. The Committee launched an appeal to both parties to renew dialogue as the only means of reversing the escalation of violence and enabling a resumption of the peace process in pursuance of the Oslo Agreements.
4. In the Committee's view, there would be no relief in the situation in the absence of lasting political prospects. The basis for negotiations must be acceptable to both parties. They must rest on justice and mutual respect, in accordance with the values and resolutions of the United Nations. They must address the land issue, the problems of security, refugees and the status of Jerusalem and the Holy Places.
5. The Committee agrees to the proposal made by the two parties that it should visit the area as soon as possible to get a clearer picture of the situation and meet leaders at all levels.
6. It is the Committee's intention, in accordance with the resolution adopted by the Inter-Parliamentary Union at its 97<sup>th</sup> Inter-Parliamentary Conference in Seoul on 14 April 1997, to pursue its efforts for peace in the Middle East.
7. The Committee also welcomes the invitation by Jordan to include a discussion with the parliamentary authorities in that country.
8. One important purpose of the Committee's discussions in the region will be to obtain improvement in the freedom of movement for Palestinian legislators and thus allow for an institutional dialogue between members of the Knesset and the Palestine Legislative Council. The Committee looks forward to the necessary cooperation to ensure the success of this undertaking, planned for May 2001.

## GENDER PARTNERSHIP GROUP

### *Executive summary of the report of the Group, noted by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

In accordance with the mandate entrusted to it by the Council, the Group gave thought to ways of ensuring that all of the work of the Union meets the needs of both parts of the population and relies equally on the talents of women and men parliamentarians. With regard to the Union, as an initial step, the Council asked the Group to study the possibility of instituting "a rule which would apply equally to all delegations failing to include at least one woman among their members and which would decrease by two the number of votes to which those delegations would be entitled at the IPU Conference."

Subsequently, in February 2000, the Group undertook a consultation of the Union's members on the three following ideas:

- Redraft Article 11.1 of the Statutes to make the inclusion of at least one woman in each delegation a requirement, not an option as before;
- Sanction all delegations that violate Article 11.1, so amended, by reducing the maximum number of their members;
- Sanction all delegations that violate Article 11.1, so amended, by reducing the number of votes to which they are entitled at the Conference.

To date, 97 of the Union's Members have conveyed their views and observations on the three ideas, and a large majority has expressed its agreement in principle: 88% in favour of the first measure, 70% in favour of the second and 61% in favour of the third. On this basis, the Group has proposed three amendments to the Union's Statutes, as follows:

- Amend Article 11.1 of the Statutes to read: "The Conference shall be composed of parliamentarians designated as delegates by the Union's Members. No delegation may be composed exclusively of parliamentarians of the same sex."
- Include a new paragraph 3, worded as follows, in Article 11 of the Statutes: "Any delegation composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person."
- Include a new paragraph, worded as follows, in Article 16.2 of the Statutes: "Any delegation composed exclusively of parliamentarians of the same sex shall have a minimum of eight votes (instead of the ten for mixed delegations) at the Conference of the Inter-Parliamentary Union."

The Group did, however, accompany these suggestions by invitations to reflect on a series of implications and alternatives which it felt should be taken into consideration before the amendments were voted on in the Union's governing bodies. It considered that the implications of the suggested amendments were such that they should not go to a vote in the Conference until it had been possible to ascertain members' views and, if necessary, review the proposals. The report states that "the Inter-Parliamentary Union apart, the points raised are societal issues, and for some countries will also raise issues of national electoral law".

Having analysed the composition of delegations to the Union in the light of the situation in national parliaments, the Group also presented, by way of incentives, a series of complementary suggestions and ideas which imperatively required in-depth discussion.

- Continue to collect and disseminate data on women's participation in political life, in particular their presence in parliament, as well as information on progress in domestic and regional legislation with regard to gender issues and women's contribution to the democratic process.
- Encourage and support initiatives taken in countries where women are not yet entitled to vote or to stand for election and which are aimed at remedying the situation.
- Endeavour to develop some form of pedagogical basis for action taken by the Union to promote democracy and gender partnership.
- Induce parliaments to debate measures needed, in the light of their cultural and social environment, to ensure gender parity and partnership in practice.
- Continue to collect and disseminate at every statutory Conference data concerning the relative proportions of men and women MPs within the Organisation's delegations and bodies. Circulate a list of any delegation not respecting Article 11.1 of the Statutes, including the regional groups.
- Reinforce the appeal urging parliaments to form mixed delegations, which already figures in the convocations to the Inter-Parliamentary Conference, and request the Secretary General systematically to continue drawing the attention of single-sex delegations to the need to remedy this situation.
- Encourage the geopolitical groups to discuss measures to be taken and to keep these questions on their agenda as a standing item.

Lastly, the Group suggested taking into consideration the following ideas within the framework of the process of IPU reform:

*Council of the Inter-Parliamentary Union*

- Enlarge the composition of the Council to three representatives per country instead of two, so that one of them is not of the same sex as the other two. The Group notes that such a measure could imply (i) that parliaments with no women members would have two seats in the Council instead of three and (ii) that single-sex delegations would likewise have two seats instead of three.

*Executive Committee*

- See to it that any enlargement of the Executive Committee includes a proportional increase in the female membership as stipulated under Article 24.2 of the Statutes.

*Conference Study Committees*

- Include in the Rules a provision stipulating that all Conference Study Committees must have officers of both sexes.
- Include in the Rules a provision stipulating that all Conference Study Committees must take "gender" issues into consideration in all their debates, resolutions and decisions.

In a desire to enhance awareness and encourage a thorough appraisal of the issue, the Group recommended that, even before being submitted to the Council on Saturday, 7 April 2001, its report be brought to the attention of the regional groups during the Havana Meetings, for analysis and debate. It further asked that its report be sent to all of the Union's Members after the Havana Meetings, so that they could formulate their observations in time for the Ouagadougou meetings, in September 2001, at which time the Group could examine the results of that new phase of the consultation and finalise its proposals.

In its report, the Gender Partnership Group wished to recall that "the word *gender* is used not as an alternative term for the word *women* but rather to underscore the fact that society is made up of men and women, boys and girls. In other words, no matter how unsuitable and unsatisfactory the word may appear, it does have the merit of encouraging people to view society in terms of its two components and from the perspective of a new dynamic, based on a society in which men and women participate on an equal and complementary basis." It also emphasised that "equality is not synonymous with identity, and (that) otherness is no hindrance to equality", while stating that it was "well aware of the strength of the ancestral belief that because men and women are different and have different roles to play, they have a given rank in society ... (and) that the idea that some activities such as politics are better suited to men than women is one which dies hard. (...) Clearly, parity and gender partnership do not only concern women's emancipation and cultural values but also encompass social, economic and political issues. It would be pointless to believe that a society can survive and prosper without equal participation between men and women in all of the sectors of which it is composed. The Gender Partnership Group feels that such a dynamic must pervade all of the Union's activities and inspire the reform of the Organisation now under way."

## SUPPORT TO THE UNITED NATIONS INTERNATIONAL YEAR FOR VOLUNTEERS: 2001

### *Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

The Inter-Parliamentary Council,

*Welcoming* the proclamation by the United Nations General Assembly of 2001 as International Year for Volunteers (resolution 52/17 of 20 November 1997),

*Having in mind* the report of the Twenty-Fourth Special Session of the UN General Assembly entitled "*World Summit for Social Development and Beyond: Achieving Social Development in a Globalising World*",

*Having in mind also* the recommendation of the Parliamentary Assembly of the Council of Europe on Improving the Status and Role of Volunteers (1496/2001),

*Considering* that voluntary action – which assumes a great variety of organisational forms depending on the context, cultural norms, values and beliefs – is deeply embedded in every society and contributes significantly in a multiplicity of ways to promoting social cohesion, poverty reduction and sustainable development, democracy and good governance,

*Noting*, in the context of the International Year for Volunteers, that 10 December 2001 will mark the centenary of the award of the first Nobel Peace Prize to Mr. Frédéric Passy, a leader of the peace movement at the time and co-founder of the IPU, and Mr. Henry Dunant, the founder of a major volunteer movement in the world, the International Red Cross and Red Crescent Movement,

1. *Urges* Parliaments and their members around the world:
  - (i) To mark the centenary of the award of the Nobel Peace Prize to Mr. F. Passy and Mr. H. Dunant by redoubled work in pursuit of peace and humanitarian values;
  - (ii) To hold consultations with major organisations concerned with volunteerism in their countries, including through parliamentary hearings, with a view to identifying policies which might be adopted to encourage volunteerism and to establish a legislative framework supportive of voluntary action from a good governance perspective;
  - (iii) To encourage governments to highlight the contribution of voluntary action in global events such as "Istanbul+5", the World Summit for Children, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the World Assembly on Ageing;
  - (iv) To contribute through appropriate channels to the report of the UN Secretary-General on ways that governments and the UN system could support volunteering to be discussed on 5 December 2001 at the Fifty-sixth Session of the UN General Assembly;



- (v) To associate themselves, in whatever meaningful manner they deem fit, with the celebration of the International Year for Volunteers 2001 in their country;
  - (vi) To support the United Nations Volunteers and its activities and to encourage their governments to draw upon their services whenever appropriate;
2. *Requests* the Secretary General to collect from national parliaments, in consultation with the above mentioned organisations, data on action taken at the national level to give effect to this resolution and on existing legislation in the field; and to report to the Council of the Inter-Parliamentary Union by its first session in 2002;
  3. *Further requests* the Secretary General to explore with the Executive Coordinator of UNV avenues and mechanisms of cooperation in the context of efforts to promote democracy and good governance, especially through technical assistance to national parliaments.

**FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE  
1951 CONVENTION RELATING TO THE STATUS OF REFUGEES**

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Inter-Parliamentary Council,

*Recalling* previous resolutions of the Inter-Parliamentary Union on the subject of refugees and, in particular, those adopted by the 99<sup>th</sup> Conference in Windhoek (April 1998) and the 103<sup>rd</sup> Conference in Amman (May 2000),

*Noting* that 2001 will mark the fiftieth anniversary of the adoption of the 1951 United Nations Convention Relating to the Status of Refugees which, together with its 1967 Protocol, are the most broadly accepted foundation instruments of the international protection regime,

*Recalling* that these two global instruments are complemented by the 1967 Declaration on Territorial Asylum, the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration which is used throughout the Latin American region, as well as the conclusions of UNHCR's Executive Committee, which also form part of the international refugee protection regime,

*Aware* of the need to develop new approaches, tools and standards to ensure the continuing vitality and relevance of the Refugee Convention, against a background of debate around large and protracted refugee situations, the high costs of asylum seekers in industrialised countries, the burden on developing countries hosting refugees, and the real or perceived abuse of asylum seekers,

*Alarmed* at the expanding number of refugees around the world and their terrible plight as well as the growing challenge faced by the Office of the United Nations High Commissioner for Refugees (UNHCR), which is the key institution mandated to secure respect for the Refugee Convention by offering both legal protection to refugees and material relief in major emergencies,

*Convinced* that the first ever meeting of States Parties to be jointly organised by the Swiss Government and the UNHCR in December 2001 will serve both to reinforce a truly global and meaningful commitment to the foundation principles, and contribute to the search for complementary and compatible new approaches, particularly on the basis of the outcome of the global consultations launched by the UNHCR to revitalise international refugee protection,

1. *Reaffirms* that the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol constitute the foundation of international refugee law and as such are pivotal in securing refugee protection;
2. *Urges* States that have not yet adhered to the 1951 Refugee Convention and the 1967 Protocol to consider doing so as soon as possible, and *calls on* their respective parliaments to consider taking appropriate measures to this effect;

3. *Urges* parliaments to mark the fiftieth anniversary of the adoption of the 1951 Refugee Convention in any appropriate manner, for example, by holding a debate on the refugee issue;
4. *Encourages* all parliaments to take an interest in and contribute to the Global Consultations on international protection undertaken by the UNHCR and their subsequent follow-up with a view to consolidating the international refugee protection regime by a strengthened and more effective implementation of the Convention;
5. *Urges* all parliaments to ensure that the need for providing adequate financial resources to national institutions and the Office of the United Nations High Commissioner for Refugees is explicitly addressed when parliament examines and adopts the national budget;
6. *Welcomes* the UN General Assembly resolution adopted on 4 December 2000 deciding that, as of 20 June 2001, the date of 20 June will be commemorated as "World Refugee Day", and *encourages* parliaments to engage in activities supporting refugees on that day;
7. *Welcomes* the forthcoming joint publication by the IPU and the UNHCR of a handbook for parliamentarians on international refugee law as part of a consolidated institutional partnership to be further developed and strengthened in the years ahead.

**PARLIAMENTARY MESSAGE**  
**TO THE THIRD UNITED NATIONS CONFERENCE ON THE LEAST DEVELOPED COUNTRIES**

*Adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)*

Globalisation has not only dramatically changed the pattern of international development co-operation but has also brought new challenges in its wake, especially for the least developed countries (LDCs). The LDCs are now having to shoulder additional duties and responsibilities in the form of conditionalities and obligations, at times imposed through multilateral trade, investment and intellectual property frameworks.

The binding obligations and responsibilities of LDCs are not necessarily matched by corresponding obligations for the developed countries, despite the existence of non-binding indicative targets such as the 0.7% GNP target for Official Development Assistance (ODA). Since the developed countries are not firmly committed to such obligations, they are not pursued with the seriousness they require. In this sense, there has to be more balance and fairness between poor and rich countries in the emerging global system.

Over the last decade, the Inter-Parliamentary Union has repeatedly called for improvement and reform in the international development system, especially in the areas of trade, finance, food security and good governance. The Third United Nations Conference on LDCs offers a significant opportunity to bring a fresh impetus to the improvement of the international development system at the start of the new millennium.

The least developed countries require domestic and external measures that are complementary and mutually reinforcing. The old North-South regime should give way to a true development compact between reformers in both donor and beneficiary countries, which must be committed to the international development targets and capable of self-criticism instead of mutual recrimination.

As parliamentarians representing our constituencies in cities, towns and villages, in both densely populated and remote areas, we call upon the Conference to take an uncompromising look at the key challenges facing the people and governments of LDCs.

- LDCs must be the owners of their policies. International development targets are basic objectives that cannot be attained through a rigid, mechanical approach. They must be converted into **individual country targets** and **highly focused national plans**, prepared by each LDC with the full participation of its people and - when needed - with the support of donors and international organisations.
- As parliamentarians, we are particularly conscious of the imperative of **good governance**, which is a precondition for effective forms of sustainable development. Much remains to be done by the LDCs in putting their own houses in order, not so as to be rewarded by donors but for their own sake. Indeed, participatory and transparent forms of governance are crucial to poverty eradication, as are transparent and accountable public expenditure management and an equitable tax system, including effective tax collection. In this connection, poverty eradication can only be achieved with the full participation of women. Executive arms of government have to be made accountable and their activities must be subject to the necessary checks and

balances, including parliamentary oversight and the rule of law, and effective measures to fight corruption.

- LDCs have yet to obtain advantages from their more intensive involvement in the **world trading system** where, for the moment, they are only marginal players. While trade has expanded globally, the share of LDCs has remained stagnant. They face numerous obstacles. Some of these are domestic and relate to weak institutions, inadequate infrastructure and limited skills, and there is thus a need to strengthen the capacity of LDCs to trade. Other obstacles are external in the form of tariff and non-tariff barriers in other countries, especially for types of goods and services where they enjoy a comparative advantage. Agricultural exports from LDCs, although they have a significant potential to grow, are held back by trade restrictions and subsidies, including those applied in other developing countries. Exports of more basic kinds of manufactured goods, such as textiles, where LDCs have obvious capacities and strengths also face similar restrictions. We call upon the Conference to work out practical schemes for the removal of such obstacles, which impede sustainable development in LDCs. Trade earnings will provide LDCs with non-conditional revenue flows that are vital for their autonomous development and will bring them into the mainstream of the global economic system.
- LDCs are critically short of **development finance**. They are not major recipients of foreign direct investment and have no capacity to borrow on the international capital market. They are heavily dependent upon ODA and, in view of the low level of their incomes, their domestic savings are negligible. Even though the United Nations has established a target of 0.15% of GNP of developed countries to be channelled as ODA to LDCs, actual levels declined by almost half in the 1990s to a record low of 0.05%. Donor countries are urged to commit themselves to reversing this decline in the immediate future and achieving the agreed target, and more if need be. Realistic poverty reduction strategies should not be allowed to fail for lack of external funding. At the same time, LDCs need to attract private investment, both domestic and foreign, by creating an attractive investment climate. First and foremost, however, they need to stop capital flight and put their own capital to productive domestic use, for example through micro-credit schemes. The Group of 8 and other bodies have a role to play in stimulating foreign investments in LDCs by the corporate private sector. It is vital that conditionalities imposed upon LDCs by multilateral and bilateral development partners do not jeopardise their fragile economic and social fabric.
- Not only the quantity but also the quality of aid is important. There is a need for greater flexibility and predictability in aid. Ever since development assistance began, part of it has been tied. Tied aid is corruption prone, diverts resources from priorities and increases related costs for LDCs. **Untying of aid** is a further area in which the international community should manifest its political will and give priority to the real interests of LDCs.
- The **debt trap** of LDCs has not been mitigated to any great extent despite various appeals and practical efforts. Even the enhanced HIPC Initiative, although it is welcome, is unlikely to lead to a lasting solution of the debt problem. Once again, we call upon both bilateral and multilateral donors to commit themselves to measures that will lighten the debt burden of LDCs and pave the way for enhanced growth, investment and poverty reduction in these countries. It is important to ensure that the poor are the first to benefit from resources released through debt relief as part of a broader poverty reduction strategy. Moreover, it is imperative that debt relief be financed by additional resources and that it does not take place at the expense of assistance to other developing countries.

- **Natural and environmental resources** constitute the common inheritance and capital assets of the poor. It is the poor who suffer most from the degradation of land, soil, water and forestry resources which are vital to their food security, their livelihood and their very survival. Multilateral rules and standards, whether they be in trade, investment, intellectual property or the environment, should contribute to the maintenance, regeneration and enhancement of these assets, instead of their erosion. Such rules and standards should therefore be continuously reviewed from the perspective of the poor and of LDCs.

On behalf of the world parliamentary community, the Inter-Parliamentary Union calls on the Third United Nations Conference on the Least Developed Countries to take action in the interests of real, not imaginary, progress. We believe the international community has both the vision and the resources to make a significant change for the better. This should be the last of the conferences for the least developed countries. We call on everyone to demonstrate the necessary political will to make sure that it is.

**AGENDA OF THE 106<sup>th</sup> INTER-PARLIAMENTARY CONFERENCE**

**(Ouagadougou, 9 - 15 September 2001)**

***Approved by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

1. Election of the President and Vice-Presidents of the 106<sup>th</sup> 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. Protecting and caring for children, the driving force of future society
5. Urgent action to combat HIV/AIDS and other pandemics which seriously endanger public health, and economic, social and political development and even threaten the survival of many nations

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES TO BE INVITED  
TO FOLLOW THE WORK OF THE 106<sup>th</sup> CONFERENCE AS OBSERVERS**

***Approved by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

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Palestine

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United Nations (UN)  
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)

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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)

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ACP-EU Joint Parliamentary Assembly (JPA)  
African Parliamentary Union (APU)  
Amazonian Parliament  
Arab Inter-Parliamentary Union  
ASEAN Inter-Parliamentary Organization (AIPO)  
Assemblée parlementaire de la Francophonie  
Assembly of the Western European Union (WEU)  
Association of Asian Parliamentarians for Peace (AAPP)  
Baltic Assembly  
Commonwealth Parliamentary Association (CPA)  
European Parliamentarians for Africa (AWEPA)  
Indigenous Parliament of the Americas  
Inter-Parliamentary Assembly of the Commonwealth of Independent States  
Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU)  
Inter-Parliamentary Council against Antisemitism  
Maghreb Consultative Council  
Nordic Council  
Parliament of the Economic Community of West African States (ECOWAS)  
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)  
Parliamentary Assembly of the OSCE  
Parliamentary Assembly of the Union of Belarus and the Russian Federation  
Parliamentary Association for Euro-Arab Co-operation (PAEAC)  
Parliamentary Union of the Organisation of the Islamic Conference Members (PUOICM)

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

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**Organisations invited to follow the work of the 106<sup>th</sup> Conference in the light of the items on its agenda:**

- Item 4 of the agenda: United Nations Children's Fund (UNICEF)
- Item 5 of the agenda: Joint United Nations Programme on HIV/AIDS (UNAIDS)

## FUTURE MEETINGS AND OTHER ACTIVITIES

*Approved by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)*

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| High Level Parliamentary Round Table on the occasion of the Third United Nations Conference on the Least Developed Countries (LDC-III), organised by UNCTAD, with the sponsorship of IPU | BRUSSELS (Belgium)<br>14 May 2001                 |
| Parliamentary session on the occasion of the 2 <sup>nd</sup> Global Forum on Fighting Corruption and Safeguarding Integrity  | THE HAGUE (Netherlands)<br>28 May 2001            |
| Parliamentary Meeting on International Trade: "For a Free, Just and Equitable Multilateral Trading System: Providing a Parliamentary Dimension"  | GENEVA<br>8 and 9 June 2001                       |
| 94 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians  | GENEVA (IPU Headquarters)<br>18-21 June 2001      |
| 234 <sup>th</sup> session of the Executive Committee   | GENEVA<br>July 2001                               |
| Parliamentary Meeting on the occasion of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance  | DURBAN (South Africa)<br>4 September 2001         |
| 106 <sup>th</sup> Inter-Parliamentary Conference and related meetings  | OUAGADOUGOU (Burkina Faso)<br>6-15 September 2001 |
| - Inter-Parliamentary Conference   | 9-14 September                                    |
| - Inter-Parliamentary Council (169 <sup>th</sup> session)  | 10 and 15 September                               |
| - Executive Committee (235 <sup>th</sup> session)  | 6, 7, 8 and 13 September                          |
| - Meeting of Women Parliamentarians (6 <sup>th</sup> session)  | 9 September                                       |
| - Co-ordinating Committee of Women Parliamentarians  | 9 and 14 September                                |
| - Gender Partnership Group   | 6, 7 and 8 September                              |
| - Committee to Promote Respect for International Humanitarian Law  | 10 and 13 September                               |
| - Coordinating Committee of the CSCM   | 11 September                                      |
| - Meeting of Parties to the CSCM (19 <sup>th</sup> session)  | 12 September                                      |
| - Committee on the Human Rights of Parliamentarians (95 <sup>th</sup> session)   | 9-14 September                                    |
| - Committee for Sustainable Development  | 11 September                                      |
| - Committee on Middle East Questions   | 12 and 13 September                               |
| - Group of Facilitators for Cyprus   | 11 and 12 September                               |

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| Meeting of parliamentarians attending the 56 <sup>th</sup> session of the United Nations General Assembly<br>Debate in the UN General Assembly on UN-IPU cooperation  | NEW YORK (UN Headquarters)<br>October-November 2001 |
| Seminar for French-speaking Parliaments in Africa on "Parliament and the Budgetary Process, Including from a Gender Perspective", organised under the Union's Technical Cooperation Programme, in cooperation with UNDP | BAMAKO (Mali)<br>1-3 November 2001                  |
| Information Seminar on the Functioning of the Union (English language)  | GENEVA (IPU Headquarters)<br>November 2001          |
| 107 <sup>th</sup> Inter-Parliamentary Conference and related meetings   | MARRAKECH (Morocco)<br>17-23 March 2002             |
| 108 <sup>th</sup> Inter-Parliamentary Conference and related meetings   | MONTEVIDEO (Uruguay)<br>6-12 October 2002           |

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 IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Ramón Eduardo Saadi, Mr. Carlos Angel Pavicich, Ms. Olinda Montenegro, Mr. Carlos Lorenzo Tomasella and Mr. Nicolás Alfredo Garay of Argentina, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of the observations provided by a member of the Argentine delegation to the 105<sup>th</sup> Conference of the Inter-Parliamentary Union (April 2001), and of communications dated 19 February and 22 and 26 March 2001 from the sources, who report that the case has remained at a standstill,

*Recalling* that the case is to be viewed in the context of the 1994 constitutional amendment changing the electoral system of the Senate and of the different interpretations given by the parties concerned to Transition Clause 4, which provides for an indirect electoral system to be applied during a transition period starting in 1995 and running until December 2001,

*Recalling* in this connection that the Inter-American Commission on Human Rights, which, in its decision N° 132/99, declared the case of Mr. Pavicich and Ms. Montenegro admissible, placed "*itself at the disposal of the parties for the purpose of reaching an amicable settlement*"; that, while the complainants took up the offer of the Commission, the Senate of the Nation failed to act upon the Commission's invitation,

*Recalling* that the Argentine delegation to the 103<sup>rd</sup> IPU Conference (April/May 2000) requested the Committee to postpone the hearing which had already been scheduled since "*new institutional situations were expected which could improve the level of consensus*" and to hold a hearing instead on the occasion of the 104<sup>th</sup> Conference (October 2000); however, the delegation from Argentina participating in that Conference did not request such a hearing, which consequently did not take place,

*Considering* that, at the hearing finally held on the occasion of the 105<sup>th</sup> Conference (April 2001), the Argentine delegate heard by the Committee referred in detail to a question pertaining solely to the case of Mr. Pavicich and Ms. Montenegro and stated moreover that the whole case would become irrelevant with the end of the constitutional transition phase later in 2001,

1. *Regrets* that the Senate of the Nation has ignored the serious concerns it has expressed in its resolutions and has failed to take any action to avail itself of the mediation offer made by the Inter-American Commission on Human Rights;
2. *Can but reaffirm* its position that, in deciding on the question of the incorporation in the Senate of the Nation of Mr. Ramón Eduardo Saadi, Mr. Carlos Angel Pavicich and

Ms. Olinda Montenegro, and of Mr. Carlos Lorenzo Tomasella and Mr. Nicolás Alfredo Garay, the Senate has not applied consistent criteria when exercising its powers under 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;

3. *Is dismayed* at this state of affairs, the persons concerned being entitled to stable and consistent application of the law, and *stresses* in this connection that the entry into force of the new electoral provisions at the end of the transition phase does not remedy the situation;
4. *Would appreciate* receiving the views of the Senate of the Nation as to the measures it envisages in order to put an end to this situation which has caused prejudice to the persons concerned;
5. *Requests* the Secretary General to convey this resolution to the Senate of the Nation as well as to the sources and to the Inter-American Commission on Human Rights;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

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 IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Victor Gonchar, Mr. Andrei Klimov, Mr. Vladimir Koudinov and Mr. Valery Shchukin, all members of the Thirteenth Supreme Soviet of Belarus elected in 1995, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of the information provided by the Deputy Minister of the Interior, a member of the Belarusian delegation to the 105th Conference of the Inter-Parliamentary Union (April 2001), and by the source,

*Noting* that, with the entry into force of a new Penal Code in January 2001, Mr. Koudinov, who had been sentenced in August 1997 to seven years' imprisonment for bribery, was released on 5 February 2001,

*Recalling* that Mr. Gonchar disappeared on 16 September 1999 and that efforts to find him have so far been fruitless; Mr. Klimov was found guilty in March 2000 of large-scale theft of public funds for overestimating the volume of construction of brickwork that his firm was carrying out for Minsk City Executive Committee and sentenced to six years' imprisonment, which he is currently serving in a hard labour colony; Mr. Shchukin has on many occasions been arrested, detained or fined for participating in unauthorised demonstrations and "*hooliganism*" and affirms that he suffered police ill-treatment on five occasions without the police acting upon his complaint,

*Considering* the following new information on file:

- As regards Mr. Klimov: at the hearing in Havana (April 2001) the Deputy Minister stated that he had visited Mr. Klimov in prison and affirmed that his state of health was satisfactory; however, according to information provided by one of the sources in March 2001, Mr. Klimov was suffering from not only a heart disease but also an early stage of diabetes; moreover, the Deputy Minister reported that, in view of Mr. Klimov's good behaviour in prison, he might be released in May 2002; he affirmed that Mr. Klimov's case was under constant supervision by Parliament;
- As regards Mr. Gonchar: the Deputy Minister stated that Parliament had asked the Minister of the Interior and the Prosecutor General for information on progress made in elucidating Mr. Gonchar's disappearance; a criminal group suspected of being responsible for his disappearance had been arrested and Parliament would be the first to be informed of the result of the investigation;
- As regards Mr. Shchukin: according to the source, Mr. Shchukin, who works as a journalist, was sentenced on 20 March 2001 to three months' imprisonment for hooliganism for attempting to attend a press conference of the Minister of the Interior without the necessary credentials; on 16 January 2001 he attempted to enter the press centre and pushed aside the guards but was knocked down by them, the glass

entrance door being broken in the process; Mr. Shchukin was so badly cut that he had to be taken to hospital; pending appeal, he remains free,

*Recalling* also that, according to information provided by the authorities in June 2000, Mr. Klimov could already be covered as of August 2000 by the law *On Amnesty of some categories of persons who have committed crimes* and be released from prison; Mr. Klimov was not amnestied, the authorities arguing that the amnesty had no effect on him as an appeal before the Supreme Court against the judgment handed down on him was pending; *noting* that, on 20 December 2000, the Supreme Court turned down his appeal and that Mr. Klimov has now exhausted all domestic remedies,

1. *Thanks* the authorities and in particular the Deputy Minister of the Interior for the information provided and for their continued cooperation;
2. *Notes with satisfaction* that Mr. Koudinov was released on 5 February 2001, and consequently *decides* to close his case;
3. *Remains concerned* at the continuing detention of Mr. Klimov in view of his state of health and the concerns it has expressed regarding respect for the principles of fair trial in his case, particularly his right to defence, and the harshness of the sentence handed down on him, which it can but consider to be grossly disproportionate to the alleged offence;
4. *Notes* that Mr. Klimov may be granted early release in May 2002 if he continues to behave well; *recalls* that, according to the authorities, Mr. Klimov could not be included in the August 2000 amnesty law owing to his appeal to the Supreme Court which was still pending at the time; *notes* that the Supreme Court has now given its decision; *calls on* the authorities to grant him an amnesty as early as possible and to release him;
5. *Notes* that a criminal group is suspected of being responsible for Mr. Gonchar's disappearance and that its members have been arrested; *would appreciate* being kept informed of any developments in the investigation;
6. *Wishes to ascertain* the outcome of Mr. Shchukin's appeal against his conviction for "hooliganism"; *would appreciate* information as to the criteria applied in granting accreditation for press conferences of Ministers;
7. *Requests* the Secretary General to convey this resolution to the authorities 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 (September 2001).

## BURUNDI

CASE N° BDI/01 - S. MFAYOKURERA  
CASE N° BDI/02 - N. NDIHOKUBWAYO  
CASE N° BDI/03 - L. NTIBAYAZI  
CASE N° BDI/05 - I. NDIKUMANA  
CASE N° BDI/06 - G. GAHUNGU

CASE N° BDI/07 - L. NTAMUTUMBA  
CASE N° BDI/26 - N. NDIKUMANA  
CASE N° BDI/29 - P. SIRAHENDA  
CASE N° BDI/35 - G. GISABWAMANA

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/12(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Recalling* that Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu, Ms. Ntamutumba and Mr. Gisabwamana were assassinated on 20 August 1994, 16 December 1995, in April and May 1996 and on 20 December 1999, respectively; *also recalling* the failed attempts on the lives of Mr. Ndihokubwayo and Mr. Ntibayazi in September 1994 and February 1995, respectively; *recalling further* the "disappearance" on 1 August 1997 of Deputy Sirahenda, who is alleged to have been extrajudicially executed in Makamba camp; *recalling finally* that Mr. L. Ndikumana was subjected to judicial proceedings and is at present in exile,

*Taking account* of the communication from the President of the National Assembly dated 6 February 2001, in which he states that there has been no progress in the files concerned, specifying in that connection that "most assassinations of parliamentarians have not been the subject of judicial investigations. The overall political and security situation at the time of the assassinations was such that the police services could not really operate properly. Itself weakened and hampered by the crisis in several respects, the judicial machine was no match for that criminality directed against the parliamentarians and many other public figures. At present, these cases have very little chance of being successfully investigated owing to the time that has elapsed since the facts and the general situation"; according to his letter, there has been no investigation of the assassinations of Ms. Ntamutumba and Mr. Sirahenda,

*Taking account* of the communication from the Minister of Human Rights, Institutional Reforms and Relations with the National Assembly dated 19 January 2001, which makes it possible, in the light of the material on file, to determine the stage reached in the investigations into the crimes against the MPs in question:

- The murder in August 1994 of Mr. Mfayokurera: a case was opened under RMPG N° 1427/NA; a certain Parfait Havyarimana was suspected, his name having been mentioned in a report drafted by a judicial police official in relation to the massacres committed in Bwiza and several other sites; however, as the suspect Havyarimana denied any implication in the crime and in the absence of witnesses, the investigating magistrate "shelved the case pending new evidence";
- The attempts on the life of Mr. Ndihokubwayo (September 1994 and December 1995): according to the sources, the assailants in the first attempt were arrested and imprisoned but subsequently released by the investigating magistrate; in April 1997, the authorities also designated Parfait Havyarimana as a suspect in that case; in



January 2001, the Minister of Human Rights stated that Mr. Havyarimana's name was also in the above-mentioned report as a suspect in the attempt in question but that he had denied any responsibility; however, there were other suspects in that case who *"had not yet been located but the inquiry remained open"*; no information had been provided on the attempt on the life of Mr. Ndiwokubwayo in December 1995, which forced Mr. Ndiwokubwayo and his family into exile;

- The murder in May 1996 of Ms. Ntamutumba: according to the Minister of Human Rights, the crisis was at its peak in Cibitoke province at the time of the murder of Ms. Ntamutumba in May 1996, and *"neither the Public Prosecutor's Office nor the Court of major jurisdiction were functioning; neither the Prosecutor nor his deputy were there, the judges had fled and no institution was in operation"*; the police had difficulty directing their investigations *"but the investigation remains open"*;
- The murder in December 1995 of Mr. Innocent Ndikumana: the file of the presumed murderers was registered under RMPG 1548/SI with the Office of the Prosecutor to the Court of Appeal; it was then referred to the assize chamber of Bujumbura Court on 25 June 1997 under N° RCC 801; the accused numbered three; at the last hearing on 18 May 1999, the judges decided to refer the case back to the Prosecutor's Office for additional investigation; the accused are at large and *"the courts had not yet been able to apprehend them"*;
- The attempt on the life of Mr. L. Ntibayazi in early February 1995: the judicial authorities have reported on several occasions that no investigation is under way as no complaint has been lodged;
- The murder in April 1996 of Mr. Gahungu: according to information provided by the authorities in May 2000, the case has been provisionally suspended *sine die "for want of incriminating evidence"*; in January 2001, the Minister of Human Rights promised to send information on this case *"very shortly"*;
- The disappearance in August 1997 of Mr. Sirahenda: according to the sources, eyewitness accounts of his abduction in a military jeep exist; according to the authorities, a special commission of inquiry was set up by the Prosecutor General to establish the truth; according to information supplied by the Minister of Human Rights on 19 January 2001, Mr. Sirahenda was murdered in Makamba; the investigation was opened by the Prosecutor's Office in Makamba in January 1998; *"the commission of inquiry has encountered difficulties because the felony was committed in a region that was constantly destabilised by the activities of the genocidal groups"*; two persons who witnessed the abduction of Mr. Sirahenda and were subsequently summoned to appear *"have never been found in order that they may give information"*;
- The murder in December 1999 of Mr. Gisabwamana: a commission of inquiry found that he had been killed by a member of the armed forces; a file on the presumed culprit was opened by the Military Office, which referred it to the Military Court on 21 May 2000,

*Recalling* that, according to the information provided by the President of the National Assembly in September 1998, the Assembly transmitted to the Prosecutor General information on the murders of Mr. Gahungu and Ms. Ntamutumba and also cooperated with the judiciary in order to elucidate the disappearance and murder of Mr. Sirahenda,

*Considering* that, according to one of the sources, a soldier from Makamba camp who deserted is said to have confirmed that he could one day testify to the horrendous manner in which Mr. Sirahenda was killed in that military camp while the camp commander looked on nonchalantly,

*Considering further that, according to one of the sources, one of the persons who fired on Mr. Ndiwokubwayo in September 1994 obtained a passport issued by the immigration services of the present Government under a false name and is at present in the Netherlands, where he is reportedly seeking asylum; with regard to the attempt on the life of Mr. Ndiwokubwayo in December 1995, which forced him to flee Burundi with his family, it is apparently the case that no investigation has been launched; when he was in hiding preparing for his departure, his domestic servant is said to have been arrested and detained by the Special Research Bureau (BSR) and tortured for a week to get him to reveal Mr. Ndiwokubwayo's hiding place; he was reportedly released when the Bureau learnt that Mr. Ndiwokubwayo had already left the country,*

*Considering that, with regard to the prospects of an amnesty for Mr. Nephtali Ndikumana, the Minister of Human Rights states in his letter of 19 January 2001 that "if the political authorities were to decide tomorrow to grant an amnesty in connection with the implementation of the Arusha Agreements, this measure would be welcome and would benefit both the Honourable Nephtali Ndikumana and all Burundians in the same situation",*

*Considering that, with regard to the possibilities of securing compensation for the families of the parliamentarians concerned, the Minister stated in the aforesaid letter that "the Burundian State has an obligation to compensate any victim when he or she is able to prove the responsibility of the State or its agents ... however, in the cases [in question], nothing has come to light proving the responsibility of the State or its agents, even in the case of Paul Sirahenda ...",*

*Bearing in mind that, under the "Agreement on the Political Platform of the Transition Regime" and the "Constitutional Act of Transition" of 6 June 1998, the transitional institutions were assigned, in particular, the task of combating impunity and promoting equitable and reconciliatory justice; mindful of the resolution adopted by the United Nations Commission on Human Rights at its 56<sup>th</sup> session (March/April 2000) in which it requests the Government of Burundi to put an end to impunity,*

1. *Thanks the President of the National Assembly and the Minister of Human Rights, Institutional Reforms and Relations with the National Assembly for the information they have provided and for their cooperation;*
2. *Notes that the information provided by the authorities confirms the evidence on file, namely that the investigations into the crimes in question are at a standstill or have not been initiated and that in only one case, that of Mr. Gisabwamana, have the authorities succeeded in identifying the presumed culprit and bringing him to justice;*
3. *Is aware that the political situation that has prevailed in the country for several years is not conducive to the sound administration of justice; nevertheless forcefully states that this situation does not relieve the authorities of their duty to do their utmost to dispense justice; fears, from the evidence on file, particularly the serious allegations of torture, of complicity of the authorities with one of the criminals and direct responsibility of the military of Makamba camp in the killing of Mr. Sirahenda, that the judicial authorities may not have taken all necessary steps to identify and bring to justice those responsible for the crimes in question;*
4. *Urges the authorities forthwith to investigate these grave allegations;*
5. *Would like to know what account has been taken by the judicial authorities of the information supplied to them by the Transitional National Assembly regarding the murders of Mr. Sirahenda, Mr. Gahungu and Ms. Ntamutumba; further hopes to*

*receive* shortly the information announced on the investigation into the murder of Mr. Gahungu;

6. *Would like to receive* particulars of the procedure applied by the Military Court and the likelihood of a rapid judgment in the case of Mr. Gisabwamana;
7. *Recalls forcefully* that, if it fails in its duty to dispense justice, the State bears responsibility, by omission, for the crimes committed; consequently *urges* the authorities once more to do their utmost to ensure that impunity does not prevail, and *reaffirms* that combating impunity - which the transition regime made a priority – is a prerequisite for the full re-establishment of the rule of law and respect for human rights in the country;
8. *Reaffirms* that, in denouncing on behalf of his party abuses by the armed forces, Mr. Ndikumana was merely exercising his freedom of speech and doing his parliamentary duty; *recalls* once more in this connection that, at the time, the United Nations Special Rapporteur on disappearances and extrajudicial executions voiced similar criticisms;
9. *Wishes to know* whether the transitional National Assembly intends to adopt, in connection with the implementation of the Arusha Agreements, an amnesty law to cover cases such as that of Mr. Nephtali Ndikumana; *also wishes to know* whether, still in connection with the implementation of the Arusha Agreements, the Assembly might adopt measures ensuring reparation for MPs who have been victims of political violence or for their families;
10. *Instructs* the Secretary General to bring this resolution to the attention of the competent authorities and, as far as possible, to that of the former MPs concerned and the competent United Nations human rights bodies;
11. *Instructs* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

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 IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Recalling* its persistent concern at the *de facto* impunity enjoyed by the perpetrators of the grenade attack of October 1995 against Mr. Kem Sokha, Mr. Pol Ham, Mr. Son Sann and Mr. Son Soubert, then members of the Buddhist Liberal Democratic Party, and that enjoyed by the perpetrators of the grenade attack on a demonstration in March 1997 led by Mr. Sam Rainsy, currently leader of the opposition, in which a dozen people were killed and more than a hundred injured; *recalling also* that the then Special Representative of the United Nations Secretary-General for Human Rights in Cambodia reported serious abnormalities in security arrangements for the March 1997 demonstration, which indicate that the attackers were acting with the complicity of the security officers,

*Recalling* that both attacks were condemned by the then governmental authorities, who pledged to ensure that the perpetrators would be brought to justice, and that the two Prime Ministers at the time agreed to set up an independent commission of inquiry to investigate the March 1997 attack,

*Recalling* that a Cambodian delegate to the 104<sup>th</sup> Conference (October 2000), Senator Phay, undertook to provide updated information on the results, if any, of the investigations into both grenade attacks; *noting*, however, that no such information has been forthcoming,

*Considering* that, at the hearing held on the occasion of the 105<sup>th</sup> Conference (April 2001), the delegation, which did not include Senator Phay, stated that, albeit aware of the request for information, they had not yet succeeded in gathering relevant details and drawing up a report on the matter; however, the delegation, and Senator Chhang Song in particular, undertook to ensure that the competent authorities would indeed provide such information; the delegation confirmed further that investigations into both attacks were still under way but added that there was insufficient evidence to arrest the perpetrators of the grenade attack of October 1995,

*Noting* that, in the resolutions they adopted in recent years on the human rights situation in Cambodia, the United Nations General Assembly and the Commission on Human Rights have consistently stressed the need to combat impunity and, in particular, to elucidate the attacks in question,

*Recalling* that, according to the sources, Mr. Kem Sokha has been accused of incitement to racial unrest and damage to public property following peaceful demonstrations which he led in autumn 1998 to protest against what the opposition viewed as electoral fraud,

and that a warrant for his arrest was issued; the case has reportedly not been dropped but only suspended because he enjoys parliamentary immunity; *noting* that, according to the leader of the Cambodian delegation to the 105<sup>th</sup> Conference, Mr. Kem Sokha and his colleagues from the former BLDP are now safe as they have joined FUNCINPEC, which affords them protection,

*Recalling also* that another arrest warrant, issued in September 1998 for Mr. Sam Rainsy, has reportedly never been officially withdrawn, and that the judicial proceedings seem to have been suspended but not dropped,

1. *Thanks* the Cambodian delegation for the observations it provided, and *trusts* that it will stand by its renewed pledge to provide the requested information on the stage reached in or results of the investigations into the grenade attacks of October 1995 and March 1997 against the former and incumbent MPs concerned; *invites* Senator Song to seek that information from the competent authorities;
2. *Reaffirms* that combating impunity, one of the stated priorities of the present Government, is a prerequisite for the establishment of a democratic State based on the rule of law and respect for human rights; *further reaffirms* that if the State fails in its duty to dispense justice, it is guilty by omission of violating the right to justice of the persons concerned;
3. *Reiterates its wish* to ascertain whether the judicial proceedings instituted in autumn 1998 against Mr. Kem Sokha and Mr. Sam Rainsy have been dropped and to receive detailed information in this regard;
4. *Requests* the Secretary General to convey this resolution to the competent authorities, to the sources and to the persons concerned, as well as to the competent United Nations human rights bodies;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

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 IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of the information provided by one of the sources on 28 January and 26 March 2001,

*Recalling* that the MPs concerned, members of the *Unión Patriótica*, were all assassinated between 1986 and 1994 and that only in the case of Senator Cepeda Vargas, murdered on 9 August 1994, have the perpetrators of the crime been identified; they are two army non-commissioned officers (NCOs), Mr. Justo Gil Zúñiga Labrador and Mr. Hernando Medina Camacho, who were discharged from the military in November 1999; *recalling* that the Attorney General had indicted paramilitary leader Carlos Castaño as the presumed instigator of the crime; the court nevertheless acquitted him,

*Noting* that the judgment handed down at first instance sentencing the two NCOs to 43 years' imprisonment was ratified by the Bogotá High Court on 28 January 2001, which upheld Carlos Castaño's acquittal,

*Noting* that on 5 January 2001 the lawyer of Mr. Cepeda's family lodged an official complaint with the "*Procurador General de la Nación*" in connection with the serious allegations that the two NCOs, while they were supposed to be in preventive detention, were implicated in the killing on 14 July 1999 of Lieutenant Talero Suárez; *noting also* that both have meanwhile been formally accused of involvement in that murder,

*Noting* that the sources have pointed out that the *de facto* freedom of movement the NCOs have enjoyed may well explain the death threats against Senator Cepeda's son and daughter-in-law, which have forced them into exile, the disappearance of the wife and the daughter of the main witness in the Cepeda case and the attempt, in December 1999, to kidnap the second daughter of the witness,

*Recalling* that, according to information supplied by the Human Rights Office of the Vice-President of the Republic in October 2000, investigations into these death threats are still at the preliminary stage; as regards the disappearance of the wife and daughter of the main witness in the Cepeda case, the Human Rights Office was gathering information to establish the facts,

*Recalling* that paramilitary leader Carlos Castaño Gil is wanted for the murder of Senator Jaramillo and that the Attorney General's Office charged Carlos and Fidel Castaño and Gustavo Meneses on 9 December 1998 with criminal association and homicide for terrorist purposes,

*Recalling* that, according to the authorities, special measures have been taken to combat impunity and that they are relevant to the cases under consideration, namely the establishment of a "Search Squad for private justice groups", set up in December 1997 under Presidential Decree 2895 with the mandate, *inter alia*, to act in support of the Attorney General's Office in the enforcement of arrest warrants, together with the establishment by the Attorney General's Office, in 1999, of 26 sub-units in as many sectional directorates for the purpose of investigating crimes committed against *Unión Patriótica* members,

*Noting* that the 2001 report on Colombia of the United Nations High Commissioner for Human Rights pointed out that "*Carlos Castaño Gil had gained public visibility in the national and international media with disconcerting ease and that while paramilitary operations were still on the rise, they had not encountered any governmental action aimed at stopping them; that by contrast with the large military offensives against the guerrillas, deploying huge human and logistic resources in campaigns that last for weeks, the results of the Government's anti-paramilitary policy ... were patchy*",

1. *Deeply regrets* that the authorities have failed to respond to its requests for information;
2. *Is alarmed* that the murderers of Senator Cepeda enjoy de facto freedom of movement, as evidenced by the accusation of their involvement in a murder which occurred at a time when they were supposed to be in preventive detention; *urges* the authorities to ensure without delay that they serve their sentence as required by law; *urges* them also to transfer them to a civilian prison, particularly since they have been discharged from the army and there is no longer any reason to maintain them on military premises;
3. *Can but consider* that the privileges they enjoy in the "Cuatro Bolas" military prison lend credence to the fear that they may have been involved in the death threats against Ivan Cepeda, the disappearance of the wife and daughter of the main witness in the Cepeda case and the attempt to kidnap his second daughter in December 1999; *reiterates* its wish to ascertain progress made in the relevant investigations;
4. *Notes with deep regret* that, despite the adoption of legislation and the establishment of machinery, the perpetrators in five of the six murders of parliamentarians have still not been brought to justice, even when their identity is known or strongly suspected;
5. *Firmly believes* that the fight against the paramilitary groups is crucial to solving these cases, and *urges* the authorities to take effective action to this end in line with the recommendations made by the competent United Nations human rights bodies;
6. *Fears* that a continuing lack of results in the investigations into the murder of the other MPs concerned may compel it to conclude that the authorities bear responsibility in these crimes by reason of their failure to fulfil their duty of identifying and bringing to justice those who perpetrated them;
7. *Requests* the Secretary General to bring this resolution to the attention of the Colombian parliamentary authorities, the appropriate governmental authorities and

the Human Rights Office of the Vice-President of the Republic, and to seek the requested information from them;

8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).



**CASE N° CO/09 - HERNAN MOTTA MOTTA - COLOMBIA**

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Recalling* that Mr. Motta had been receiving death threats which forced him into exile in October 1997; his name was reportedly on a death list drawn up by the paramilitary group led by Carlos Castaño Gil, who admitted publicly in March 2000 on a private TV channel that he personally decided who was to be executed by his group,

*Recalling* that, according to information provided by the Human Rights Office of the Vice-Presidency of the Republic in April 2000, the investigation into the death threats is being conducted by the Special Prosecutor of Santa Fe de Bogotá and is still at the preliminary stage; the Office was in the process of contacting members of the Unión Patriótica to ascertain whether they had received any new information which might help to advance the investigation; *considering* in this respect, however, that Mr. Motta says he has not been contacted for that purpose,

*Recalling* that, according to information supplied in February 2000 by the Human Rights Office of the Vice-Presidency, as part of the search for an amicable settlement of the case regarding the persecution of the Unión Patriótica and its members pending before the Inter-American Commission on Human Rights, agreement has been reached on a subcommittee to undertake investigations into presumed human rights violations committed against activists of that political movement; with a view to facilitating this task, *"the Prosecutor General's Office has established 26 sub-units in as many sectional directorates for the purpose of investigating crimes committed against Unión Patriótica members"*,

*Noting* the recommendation by the Inter-American Commission on Human Rights in its Third Report on the Human Rights Situation in Colombia (1999), 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"*; also noting the statement made by the Office of the High Commissioner for Human Rights in Colombia in its report to the 56<sup>th</sup> session of the United Nations Commission on Human Rights that it is the *"Colombian State's obligation to combat impunity"* through, *inter alia*, *"the effective punishment of those responsible for human rights violations and breaches of international humanitarian law"*,

1. *Remains deeply concerned* that, despite the special measures to investigate crimes against members of the Unión Patriótica, those responsible for the death threats still seem to enjoy impunity; *notes* in this respect that Mr. Motta has not been contacted by the competent authorities to help advance the investigation;

2. *Reiterates* its wish to ascertain whether any progress has been made in the relevant investigations;
3. *Fears* that this persistent situation of impunity may lead it to conclude that the Colombian authorities bear responsibility in this crime owing to their failure to fulfil their duty to identify and bring to justice the persons who made the threats;
4. *Calls once again* on the competent authorities and on the National Congress, as guardian of human rights, to do their utmost to ensure that justice is done in this case;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and other appropriate authorities of Colombia and to the sources;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## CASE N° CO/121 - PIEDAD CÓRDOBA - COLOMBIA

### *Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

The Council of the Inter-Parliamentary Union,

*Having before it* the case of Ms. Piedad Córdoba of Colombia, 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/168/13(c)-R.1), which contains a detailed outline of the case,

*Taking account* of the information supplied by Ms. Piedad Córdoba on the occasion of the 105<sup>th</sup> Conference of the Inter-Parliamentary Union (April 2001),

*Considering* that Ms. Córdoba, as President of the Senate Human Rights Committee, has been at the forefront of denouncing human rights and humanitarian law abuses,

*Considering* the following information on file:

- Ms. Córdoba was kidnapped on 21 May 1999 by a group of 15 heavily armed men claiming to be members of the Attorney General's Office; that Carlos Castaño, head of the paramilitary "Autodefensas Unidas de Colombia" (AUC), subsequently admitted that his group was responsible for the kidnapping, which he justified with the assertion that Senator Córdoba was a "paraguerrillera"; Ms. Córdoba was released on 4 June 1999 and handed over, in the presence of Carlos Castaño, to a commission made up of Senate members, the International Committee of the Red Cross (ICRC) and the Attorney General's Office; while in the hands of the paramilitary, she was taken from place to place by government helicopters;
- Upon her release, her telephone conversations were tapped and transcripts thereof published in the media, jeopardising her personal safety; the Attorney General has launched investigations in this respect;
- On 9 September 1999 Ms. Córdoba reported to the media the existence of a plan to kill her, asserting that those behind the plan were the same extreme right-wing military who, on 13 August 1999, had assassinated Jaime Garzón, a nationally known satirist and journalist and member of the commission which was to attempt to restore contact between the ELN guerrillas and the Government;
- At a press conference on 6 October 1999, Ms. Córdoba announced that, with the looming threat of an attack on her life and given the lack of effective security measures and the absence of any political resolve on the part of the Government and Congress to guarantee the rights of the opposition, she and her family had to go into exile; Ms. Córdoba has been granted political asylum abroad,

*Noting* that, according to information supplied by the Human Rights Office of the Vice-Presidency of the Republic on 4 July 2000, the investigation into Ms. Córdoba's kidnapping, registered under N° 521, was being conducted by the Human Rights Unit of the Attorney General's Office; there existed public information to the effect that Carlos Castaño claimed

responsibility for the kidnapping and *"it is hoped that the Senator will complete her declaration and adduce new evidence enabling the investigating authorities to make progress"*,

*Bearing in mind* that Colombia is a party to the International Covenant on Civil and Political Rights and to the American Convention on Human Rights, both of which guarantee the right to security of person,

*Noting* that the 2001 report on Colombia of the United Nations High Commissioner for Human Rights pointed out that *"Carlos Castaño Gil had gained public visibility in the national and international media with disconcerting ease and that while paramilitary operations were still on the rise, they had not encountered any governmental action aimed at stopping them; that, by contrast with the large military offensives against the guerrillas, deploying huge human and logistic resources in campaigns that last for weeks, the results of the Government's anti-paramilitary policy ... were patchy"*,

1. *Expresses deep concern* at Ms. Córdoba's kidnapping and the death threats which forced her into exile;
2. *Emphasises* that the State is under an obligation to ensure the security of the persons under its jurisdiction, both directly by means of reasonable and appropriate measures to protect them and indirectly through the identification and punishment of those who threaten their security;
3. *Is alarmed* that no action has been taken against Carlos Castaño although it is public knowledge that he was responsible for the kidnapping and has so identified himself; *urges* the authorities to taken action forthwith as their duty commands;
4. *Recalls* that, in its third report on the human rights situation in Colombia (February 1999), the Inter-American Commission on Human Rights concluded 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"*;
5. *Wishes to ascertain* whether investigations have been launched to identify and bring to justice the authors of the plan to kill Ms. Córdoba, and their result, if any; *also wishes to ascertain* the result, if any, of the investigation into the tapping of her telephone conversations;
6. *Requests* the Secretary General to convey this resolution to the competent authorities, urging them to provide the requested information;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## CASE N° CO/122 - OSCAR LIZCANO - COLOMBIA

### ***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Having before it the case of Mr. Oscar Lizcano of Colombia, 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/168/13(c)-R.1), which contains a detailed outline of the case,*

*Considering the following information as provided by the source:*

- Mr. Lizcano was kidnapped by the main Colombian guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), while he was attending the inauguration of a football ground on 5 August 2000 in Riosucio, in the Province of Caldas, the region he represents in Parliament;
- The kidnapping was related to the forthcoming municipal elections since, along with Mr. Lizcano, all the local political candidates were kidnapped,

*Noting that, for some time now, the Colombian authorities have been engaged in a process of negotiation with FARC, and that after a two-day meeting on 8 and 9 February 2001, the President of the Republic and the leader of FARC agreed to prolong the existing demilitarised zone for a further eight months, and to negotiate a prisoner exchange and a possible ceasefire,*

*Noting that the fact of conducting such negotiations puts the Colombian authorities in a position to negotiate the release of those held hostage by the guerrilla forces; the power of the authorities to have someone released when there is sufficient political will already came to the fore in the case of the brother of the main government negotiator with FARC; after his kidnapping, the Government was able to obtain his release within a matter of days; this provides evidence that the Government is in a position to take action to secure respect for the human rights of Mr. Oscar Lizcano,*

*Recalling that a government is obliged to ensure the safety of all of its citizens and that it must therefore take all necessary action to that effect, irrespective of circumstances,*

*Stressing that non-compliance with this obligation, by commission or omission, in cases where the safety of citizens is threatened by non-State actors, could amount to a violation of human rights embodied in international human rights instruments,*

1. *Expresses its deep concern at the kidnapping of Mr. Lizcano by the main guerrilla group, FARC;*
2. *Urges the Colombian authorities to act, in their negotiations with FARC, with the same determination as shown in an earlier successful attempt to secure the release of high-profile hostages;*

3. *Requests* the Secretary General to convey this resolution to the competent Colombian authorities, inviting them to provide information on the steps taken to secure Mr. Lizcano's release;
4. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

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 IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account of* the observations supplied by the Djibouti delegation to the 105<sup>th</sup> Conference of the Inter-Parliamentary Union (April 2001),

*Recalling* the following information on file:

- 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 their having launched a "*solemn appeal to all militants ... and Djiboutians to come together and mobilise to thwart, by all legal and peaceful means, this deliberate policy of President Hassan Gouled Aptidon to rule by terror and force while trampling underfoot our Constitution and republican institutions*"; they were sentenced to six months' imprisonment, a fine and five years of deprivation of their civic rights, as a result of which they were barred from standing in the parliamentary elections of December 1995 and the presidential elections of April 1999;
- Their trial had gone ahead despite a Constitutional Court decision of 31 July 1996 which, by virtue of Article 81 of the Constitution, is binding upon all administrative and jurisdictional authorities; the Court ruled that the lifting of their parliamentary immunity had been flawed because the National Assembly had failed to adopt a resolution as provided for in Article 64 of the Standing Orders and had not heard the deputies concerned, thus flagrantly violating their right of defence; the parliamentary authorities have always insisted that the deputies made a procedural error: instead of challenging the minutes of the sitting of the National Assembly Bureau at which their immunity was lifted and which, in the authorities' view, constitute the required resolution, the MPs concerned challenged the letter whereby the Speaker informed the Minister of Justice of the lifting of their immunity; the authorities also referred to the trial court's decision in this case which ruled that their parliamentary immunity had been lifted lawfully;
- On 7 February 2000, the Government and the armed rebellion signed a Framework Peace Agreement whereby the members of the armed rebellion were granted an amnesty; Article III of the Agreement, entitled "*On Democracy*", affirms that "*there is no viable Republic without democracy, and no democracy without a balance of power, plurality of opinion, freedom to express opinions, and the right to act in their furtherance*".

*Noting* that flawed lifting of the parliamentary immunity invalidates the subsequent judicial procedure, for which reason it had inquired about the possibility of a review of their trial; the authorities have repeatedly stated that such review was not possible as "*no new facts or unknown data casting doubt on the their guilt have arisen or been revealed after their sentencing*",

*Mindful* of the view it took at its 166<sup>th</sup> and 167<sup>th</sup> sessions in Amman and Jakarta (2000) that, given the spirit of reconciliation expressed in the Peace Agreement, it would also be fitting to extend the amnesty to former members of Parliament whose attacks on the authorities had been purely verbal; *noting* that the authorities expressed the opinion that granting them amnesty was no longer relevant as they would be entitled to stand in the parliamentary elections scheduled for December 2001, given that the five-year period of deprivation of their political rights would have expired by then,

1. *Thanks* the Djibouti delegation for the observations it provided;
2. *Reiterates* its conviction that, in making the allegedly offending statement, the former MPs concerned were merely exercising their right to freedom of speech, which would be quite meaningless if it did not comprise the right to criticise the Executive and denounce possible abuse;
3. *Points* out that the Peace Agreement expressly acknowledges the importance of freedom of speech in a democratic State;
4. *Is therefore deeply disappointed* at the lack of will of the National Assembly to make a tangible gesture of reconciliation, such as amnesty, towards the former MPs who, unlike the rebels, wielded not violence but words;
5. *Points* out that decisions of the Constitutional Council are binding on all other courts and that consequently the disregard shown by the Correctional Chamber of the Djibouti Court of Appeal for this decision flaws the entire judicial process;
6. *Is therefore compelled* to conclude that, in prosecuting the former MPs concerned, the State violated not only their parliamentary immunity but also their right to freedom of speech;
7. *Calls* on the National Assembly to ensure that the rights and privileges of its members are fully respected and to do its utmost to ensure that they enjoy the freedom of speech necessary for the effective exercise of their parliamentary mandate;
8. *Requests* the Secretary General to convey this resolution to the President of the Republic, the Minister of Justice, the President of the National Assembly and the former MPs concerned;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).



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

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of 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, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of the information provided by the Special Commission of Inquiry (CEI) on 31 December 2000, 3 and 26 January, 22 February, and 23 and 26 March 2001,

*Recalling* the following information on file:

- Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, and their assistant Mr. Wellington Borja Nazareno, were shot dead on 17 February 1999 shortly after leaving the morning plenary sitting of the National Congress;
- The preliminary police investigation, based primarily on the testimony of the principal suspect at the time, Mr. Washington Fernando Aguirre, was publicly announced on 19 February 1999 by the then President of the Republic, and concluded that the motive for the killing was Jaime Hurtado's links with the Colombian guerrilla movement;
- The Special Commission of Inquiry (CEI) set up by the Government to establish the truth has since its inception described the findings of the police report as "*fabricated, incomplete and contradictory*" and has gathered evidence suggesting that Mr. Hurtado's investigations into corruption cases involving high-profile figures from both the business and the political worlds may have been the motive for the crime;
- The judge, who was not assigned to the case until 10 months after the murder, discarded the police conclusions,

*Considering* that the CEI's most recent report (March 2001) entitled *Crime and Silence* gives further ground to believe that the triple murder may be related to Mr. Hurtado's actions aimed at exposing abuse of power in high-profile circles, and therefore highlights the need for the justice system to take into account all possible lines of inquiry in ensuring that the truth is ascertained,

*Considering* that while the President of Quito District High Court closed the preliminary investigation on 18 December 2000, reportedly without having undertaken or completed all procedural steps necessary for determining responsibility for the murder, he decided to reopen it on 22 January 2001 with a view to performing further investigative acts,

*Noting* that on 24 October 2000 the National Congress adopted a resolution urging the Government to grant pensions to the families of the murdered parliamentarians, in line with previous practice in the case of deceased members of Parliament,

*Considering* that, according to the CEI, its own adequate functioning is being hampered by a lack of financial resources,

*Bearing in mind* that, on the occasion of the on-site mission which Committee member Juan Pablo Letelier carried out in April 2000, the government authorities expressed their support for the work of the Special Commission of Inquiry and the judicial investigation,

1. *Deeply regrets* that the authorities, and the parliamentary authorities in particular, have failed to respond to the Committee's requests for information;
2. *Notes with satisfaction* that the judge in the case decided to reopen the preliminary investigation of the murder of the MPs concerned, and *is confident* that all investigative action necessary to elucidate this crime will now be taken;
3. *Further notes with satisfaction* that the National Congress adopted a resolution requesting the Government to grant pensions to the families of the murdered MPs; *regrets*, however, that it has supplied no information as to whether these pensions have indeed been granted;
4. *Reiterates* its firm belief that the National Congress has a particular interest in ensuring that the murder of one of its members does not go unpunished since, in the final analysis, the unpunished murder of an MP stands as a threat to all the other members of Parliament concerned and to the society it represents as a whole;
5. *Remains therefore confident* that the National Congress will monitor the legal proceedings; and *reiterates its wish* to ascertain whether the National Congress, in common with other Parliaments, is competent to take legal action on behalf of the assassinated members;
6. *Calls on* the National Congress to support the work of the Special Commission of Inquiry, in particular with adequate funding to allow it to continue making a significant contribution to establishing the truth in this case;
7. *Requests* the Secretary General to convey this resolution to the President of the National Congress, the Minister of Justice, the Prosecutor General, the Special Commission of Inquiry and the sources, seeking 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 (September 2001).

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

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Lamin Waa Juwara, a member of the House of Representatives of the Gambia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of a communication from one of the sources dated 15 March 2001,

*Recalling* the following evidence on file:

- By reason of Section 13 of Schedule 2 of the 1997 Constitution, which grants impunity to all members of the former Armed Forces Provisional Ruling Council (AFPRC), Mr. Juwara was denied compensation for the many instances of unlawful detention he suffered under the AFPRC rule;
- To date, the authorities have taken no action to investigate the complaint of severe ill-treatment suffered by Mr. Juwara on 17 May 1998 while in State custody at the hands of members of the now banned "*22 July movement*" and its leader, Mr. Baba Jobe; the Attorney General argues that Mr. Juwara never filed a complaint, while the sources affirm that within two weeks of his release Mr. Juwara sent a medical certificate to the Attorney General, attesting to the severe injuries he had sustained as a result of such ill-treatment, and widely publicised the incident;
- Mr. Juwara was detained incommunicado from 17 May to 8 June 1998, when he was released on bail by order of the Supreme Court; the authorities ignored a court decision ordering medical treatment, as they did a court order to charge him or otherwise release him upon expiry of the 72-hour legal deadline;
- On 22 February 1999, the Brikama Magistrate's Court acquitted Mr. Juwara and others on the charge which had prompted his arrest, namely causing unlawful damage to construction works at the Brikama Mosque, and ruled that there was no case to answer; the State nevertheless lodged an appeal against that judgment,

*Considering* that, according to one of the sources, the Government has declared its intention to withdraw the appeal and this was expected to occur upon resumption of the hearings on 21 March 2001,

*Bearing in mind* that the Gambia is a signatory to the Convention against Torture and other Cruel, Inhuman or Degrading Punishment or Treatment, which prohibits torture and ill-treatment and requires States to ensure that its competent authorities conduct prompt and impartial investigations into serious allegations of torture; *bearing also in mind* that the Gambia is a party to the United Nations International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, both of which instruments guarantee freedom from arbitrary arrest and detention, in addition to freedom from torture and ill-treatment; that these rights are also embodied 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",

*Noting that in its resolution 2000/43 adopted on 20 April 2000, the United Nations Commission on Human Rights called on governments to implement fully the prohibition of torture and other cruel, inhuman and degrading treatment and stressed in particular that all allegations of torture or inhuman treatment should "be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severally punished ... and that the victims of such acts obtain redress and are awarded fair and adequate compensation ...",*

1. *Deeply regrets that the authorities have not responded to the communications addressed to them;*
2. *Observes that the State intends to withdraw its appeal in the "Brikama Mosque case" and is confident that this matter will indeed soon be settled;*
3. *Remains nonetheless deeply concerned that the ill-treatment suffered by Mr. Juwara when arrested in connection with this case remains unpunished and that the authorities have taken no action to investigate Mr. Juwara's denunciation of such ill-treatment, supported by medical evidence, particularly since the name of one of the attackers was widely publicised in the media;*
4. *Recalls once again that under Articles 7 and 9 of the ICCPR, to which the Gambia is a party, the Gambian authorities have a duty to investigate Mr. Juwara's denunciation of his ill-treatment and bring to justice the culprits, and that Mr. Juwara is entitled to redress; consequently once again urges the authorities to fulfil their obligations under these provisions, and draws their attention to the United Nations document "Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment";*
5. *Remains deeply concerned at Section 13 of Schedule 2 of the 1997 Constitution, which has the effect of granting impunity to members of the former Armed Forces Provisional Ruling Council and its officers and appointees in respect of any criminal acts they may have committed and bars Mr. Juwara from obtaining compensation for the arbitrary arrests and detentions he has suffered; insists that impunity granted to holders of public office violates the obligations which the Gambia pledged to respect when it signed and ratified the international human rights instruments referred to above;*
6. *Recalls that under Article 9 of the International Covenant on Civil and Political Rights "anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation"; invites the Parliament once again to consider adopting a law whereby compensation could be paid to victims of arbitrary arrest and detention;*
7. *Urges once again the National Assembly of the Gambia, as guardian of the human rights of the people it represents, to ensure that the executive authorities fulfil their obligations under national and international human rights law;*
8. *Forcefully stresses in this respect that international law has precedence over national law, as has the national Constitution over any statutory law, including presidential decrees;*
9. *Requests the Secretary General to convey this resolution to the parliamentary and governmental authorities as well as to Mr. Juwara; requests the Secretary General also*

to submit this case to the competent United Nations Human Rights bodies and Commonwealth authorities;

10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

**CASE N° GMB/03 - OMAR JALLOW - GAMBIA**

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of a communication from one of the sources dated 23 March 2001,

*Recalling* the following evidence on file:

- Decree 89 (Political Activities Resumption Decree, 1996) bans all persons who held the office of President, Vice-President and Ministers in the Government of the Republic of the Gambia during the 30 years preceding 22 July 1994 from participating in any political activity; the Decree thus bans Mr. Omar Jallow, a Minister before 22 July 1994, indefinitely from participating in any political activity;
- An amendment, tabled by the parliamentary opposition in August 1998 with the aim of bringing the Decree into conformity with the Constitution's fundamental human rights guarantees, failed to obtain the requisite majority;
- On 11 May 2000, the High Court dismissed the lawsuit Mr. Jallow had filed seeking a judicial interpretation of Decree 89 and a declaration that he was entitled to exercise the fundamental human rights guaranteed under the Constitution of the Gambia; the court ruled that it was not competent to hear the case owing to the provisions of Section 13 of Schedule 2 of the 1997 Constitution, which exempts any act or order taken by the former Armed Forces Provisional Ruling Council (AFPRC) from judicial scrutiny; Mr. Jallow has lodged an appeal with the Supreme Court, which is pending;
- On the occasion of the Secretary General's on-site mission in June 2000, the Attorney General stated that the Supreme Court was competent to hear cases relating to the unconstitutionality of laws, Decree 89 included,

*Considering* that, according to one of the sources, Mr. Bubacarr Baldeh and Dr. Lamin Saho, Ministers of Youth and of Tourism, respectively, before 22 July 1994, were admitted to membership of the ruling party, the Alliance for Patriotic Reorientation and Construction (APRC), in breach of Decree 89,

*Considering* that legislative elections are due later this year in the Gambia,

*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 of expression, assembly and association; that these rights are also embodied 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*",

1. *Deeply regrets* that the parliamentary authorities have failed to respond, particularly since the core problem raised by this case calls for parliamentary action;

2. *Insists forcefully* that Decree 89, which deprives parties and specific persons, including Mr. Jallow, of their civil and political rights, violates the Constitution and the international obligations which the Gambia pledged to observe when it ratified the ICCPR and the African Charter on Human and Peoples' Rights, as the Decree has the effect of annulling the human rights and fundamental freedoms guaranteed to them under the Constitution and the aforesaid two instruments;
3. *Notes, moreover,* that the authorities appear to apply Decree 89 selectively;
4. *Urges* therefore the National Assembly, as guardian of the human rights of all Gambian citizens, to take legislative action to bring Decree 89 into conformity with the Constitution as required under its Section 4, and with the international human rights law subscribed to by the Gambia, so as to ensure that Mr. Jallow and the other persons concerned may fully exercise their fundamental rights to freedom of association, assembly and participation in the political affairs of their country and may stand in the next parliamentary elections;
5. *Recalls* that international law has precedence over national law, as has the Constitution over national statutory law, including any decrees;
6. *Remains confident* that the Supreme Court will rule on the question of the constitutionality of Decree 89 in conformity with the Constitution, as well as with the international human rights norms to which the Gambia has subscribed;
7. *Requests* the Secretary General to convey this resolution to the parliamentary and governmental authorities and to Mr. Jallow, as well as to the competent United Nations human rights bodies and Commonwealth authorities;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

**CASE N° GMB/04 - BUBA SAMURA - GAMBIA**

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Buba Samura, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of a communication from the source dated 26 March 2001,

*Recalling* that Mr. Buba Samura, an opposition Member of the National Assembly at the time of the submission of the complaint, was arrested on 11 April 2000 by personnel of the National Intelligence Agency (NIA) while travelling from his constituency to Banjul; he was taken to Brikama Police Station, where the officer on duty accused him of supporting student demonstrators; later that day he was taken to the NIA Headquarters, where every object was taken from him except his clothes and where he was detained until 17 April 2000, when he was released by the Inspector General of Police on self bail without a single charge; during his detention he was maintained incommunicado in a bare mosquito-ridden concrete cell without any toilet facilities and given food once every 24 hours; the National Assembly was not duly informed of his arrest and detention,

*Recalling* Article 19 of the Constitution of the Gambia, which provides that any person arrested or detained must be informed within three hours at most of the reasons for the arrest and must be brought before a court within 72 hours; *recalling* also that Articles 9 and 14 of the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, respectively, prohibit arbitrary arrest and detention, as well as Article 9(5) of the ICCPR, which stipulates that "anyone who has been [the] victim of unlawful arrest or detention shall have an enforceable right to compensation",

*Considering* that Mr. Samura died in an accident on 6 February 2001,

1. *Takes note with deep regret* of Mr. Samura's death;
2. *Considers* that his death does not efface the past violation of his human right to liberty;
3. *Calls therefore* on the authorities, in particular the National Assembly, to ensure that the measures of redress to which Mr. Samura was entitled are granted to his family;
4. *Calls also* on the National Assembly to take action to ensure that arbitrary arrests of members of Parliament do not recur, and that anyone lawfully arrested is detained in humane conditions and only in legally authorised places of detention;
5. *Requests* the Secretary General to convey this resolution to the authorities and to the source;
6. *Decides* to close this file while deeply regretting that the authorities failed to respect Mr. Buba Samura's right to liberty and to humane treatment.



## GUINEA

CASE N° GUI/01 - MAMADOU BHOYE BA      CASE N° GUI/06 - KOUMAFING KEÏTA \*  
CASE N° GUI/02 - MAMADOU BARRY      CASE N° GUI/07 - MAMADY YÖ KOUYATE  
CASE N° GUI/03 - T. OUSMANE DIALLO      CASE N° GUI/08 - I. KALIL KEÏTA  
CASE N° GUI/05 - EL-HADJ A. MADY KABA \*

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case the above-mentioned parliamentarians, opposition MPs of the National Assembly of Guinea, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Recalling* that the MPs concerned were all arrested without their parliamentary immunity having been lifted, the executive authorities arguing that they were arrested *in flagrante delicto*, and were prosecuted and sentenced at the close of trials flawed by serious irregularities to prison terms ranging from two to five months,

*Recalling* that a National Assembly resolution calling for suspension of the detention of Mr. BhoYe Ba, Mr. Ousmane Diallo and Mr. Mamadou Barry has not been respected, on account of procedural flaws according to the Prime Minister,

*Recalling* that Mr. El-Hadj Amiata Mady Kaba, Ms. KoumaFing Keïta, Mr. Mamady Yö Kouyate and Mr. Ibrahima Kalil Keïta stated that they had suffered ill-treatment while in detention and have complained,

*Recalling* that the Committee's on-site mission to Conakry in January 2000 gathered information and documents heightening the concerns it had expressed about respect for parliamentary immunity and for the prerogatives of the National Assembly, about the characterisation of a crime or offence as *flagrante delicto*, and about respect for the right to peaceful assembly, fair trial and humane treatment in detention,

*Bearing in mind* that the Republic of Guinea is a party to the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which guarantee the right to freedom of assembly, the right to freedom from arbitrary arrest and detention and from torture and ill-treatment, and the right to fair trial,

*Noting* that no new developments have been reported by either the authorities or the sources,

1. *Reiterates its position* regarding the circumstances of the arrest and detention of the MPs in question without prior lifting of their parliamentary immunity under the pretext of *flagrante delicto*, the failure of the executive authorities to respect a resolution of the National Assembly and the disregard of the principles of fair trial;

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\* Deceased

2. *Infers* from the silence of the authorities that no investigations have been started into the concurring declarations of the MPs concerned that they were ill-treated while in prison, and *calls again* on the authorities to abide by their obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to investigate these complaints without further delay;
3. *Wishes to ascertain* whether the National Assembly has taken measures to establish the procedure in the event of an Assembly resolution calling for suspension of the detention of an MP in accordance with Article 52 (4) of the Constitution;
4. *Requests* the Secretary General to convey this resolution to the President of the National Assembly, to the Prime Minister and to the Minister of Justice, inviting them to provide the requested information;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## CASE N° GUI/04 - ALPHA CONDÉ - GUINEA

### ***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of the information supplied by a Guinean delegate to the 105<sup>th</sup> Conference of the Inter-Parliamentary Union (April 2001), as well as of the information supplied by the sources on 16 February and 24 March 2001,

*Recalling* that Mr. Alpha Condé, a candidate in the 1998 presidential election and President of the opposition *Rassemblement du Peuple de Guinée* (RPG), was arrested on 15 December 1998 prior to the announcement of the provisional elections results; he was first accused of "attempting to leave the country clandestinely" and "assault and battery of members of the public order force" and subsequently, in January 1999, with "attempt to cross borders, fraudulent export of foreign currency, attempt to recruit mercenaries and breach of State security"; on 11 September 2000, the State Security Court found him guilty of all the charges and sentenced him to five years' imprisonment, which he is currently serving,

*Recalling* that the on-site observers mandated by the Committee to follow the trial of Alpha Condé and his co-defendants were satisfied beyond reasonable doubt that the sentence handed down on Mr. Condé was the outcome of a trial which had patently failed to respect the standards of fair trial as defined in national standards and in international treaties ratified by Guinea, involving in particular torture either to extort confessions or to oblige witnesses and co-defendants to testify against Alpha Condé, and that it had therefore called for Mr. Condé's immediate and unconditional release,

*Considering* that Mr. Condé, who is serving his sentence at the Conakry Central Remand Prison, is prevented from contacts with the outside world, only his doctor being authorised to visit him from time to time; he is suffering from hip pain and his general state of health is reported to be deteriorating as a result of his conditions of detention,

1. *Regrets* that the governmental authorities have remained unresponsive to the calls of the world parliamentary community;
2. *Expresses deep concern* at the conditions of virtual isolation in which Mr. Condé is being held and at his state of health; *recalls* that, so long as he remains in the custody of the State, the State is under an obligation to ensure his well-being;
3. *Forcefully calls again* on the authorities to release Mr. Condé and his co-defendants immediately and unconditionally, since they are held in breach of national and international law;

4. *Urges* the authorities again to launch investigations without further delay into evidence of torture and ill-treatment which surfaced during the trial and to bring to justice, as their duty commands, those responsible for such abhorrent criminal acts proscribed under the Guinean Constitution and the international human rights instruments to which Guinea is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
5. *Calls once* again on all member Parliaments to do their utmost to secure the prompt and unconditional release of Mr. Alpha Condé;
6. *Requests* the Secretary General to convey this resolution to the Guinean authorities;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## CASE N° HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS

### *Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Recalling* the following information on file:

- Deputy Miguel Angel Pavón Salazar was assassinated in San Pedro Sula, Honduras, on 14 January 1988, and the initial findings of the judicial investigation established a link between his assassination and the evidence he gave in October 1987 before the Inter-American Commission on Human Rights about forced "*disappearances*" in his country, which he blamed on members of the armed forces and, in particular, a "*death squad*" reportedly existing at the time in Military Intelligence Battalion 3-16;
  - Owing to the insistence of the National Congress the investigation, which had come to a virtual standstill, was reopened in July 1996 by the Criminal Investigation Branch (DIC) of the Public Prosecutor's Office and brought new evidence to light that resulted in the arrest, on 28 April 1998, of one of the presumed culprits, Lieutenant-Colonel Quiñones;
  - However, Mr. Quiñones was released on bail on 3 May 1998 and disappeared in October 1998; he reportedly died in a road accident caused by Hurricane Mitch and proceedings are under way with a view to officially establishing his presumed death;
  - On 5 June 2000, the Prosecutor issued an international arrest warrant through Interpol for the second presumed culprit, Mr. Jaime Rosales, who reportedly lives in the United States of America, and requested the General Directorate of Population and Migration to provide data on his migration movements;
  - In compliance with a ruling of the Inter-American Commission on Human Rights, the families of 12 disappeared or extrajudicially executed persons, including that of Mr. Pavón, were paid compensation as ordered by the President of the Republic,
1. *Notes with regret* that it has received no information on progress made in the proceedings in this case and that the parliamentary authorities have remained silent;
  2. *Remains nonetheless confident* that the National Congress, to whose intercession the reopening of the case is largely attributable, will continue monitoring the proceedings in order to ensure that the efforts made to establish the truth in this case are finally fruitful;
  3. *Requests* the Secretary General to invite the National Congress and the National Commissioner for Human Rights to keep it informed of progress in the relevant proceedings, particularly as regards action taken to execute the warrant issued for the arrest of Jaime Rosales and to inform it whether the death of Mr. Quiñones has now been officially established;
  4. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## CASE N° IDS/13 - TENGKU NASRIHUDDIN DAUD - INDONESIA

### ***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Having before it the case of Mr. Tengku Nasrihuddin Daud of Indonesia, 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/168/13(c)-R.1), which contains a detailed outline of the case,*

*Taking account of information provided by an Indonesian delegate at the hearing held on the occasion of the 105<sup>th</sup> Conference (April 2001),*

*Considering the following information on file:*

- Mr. Daud, a Member of Parliament representing Aceh, was the Vice-Chairman of the Parliamentary Commission to Investigate Human Rights Abuses in Aceh, including those committed by the Indonesian security forces during the nearly ten years in which Aceh was an army-designated "*military operational zone*"; when, in early December 1999, the Parliamentary Commission's findings were discussed in the Indonesian Parliament with senior military officers and televised nationwide, Mr. Daud was one of the most outspoken members who challenged the officers regarding the activities of the military;
- Mr. Daud disappeared on 21 January 2000 in Medan on his way back from a mission to Aceh; his body was found two days later, his injuries showing clearly that he had been tortured by his abductors;
- The police, having questioned witnesses from Medan, Jakarta and Aceh, assume that the motive for Mr. Daud's murder was his struggle against the Free Aceh Movement (GAM); four persons are suspected of the murder, one has died and the others are at large; one of them is said to have fled to Malaysia;
- The source considers that, while Mr. Daud certainly had no sympathy for GAM, there has been nothing to suggest that he was engaged in a struggle against that separatist movement; rather his murder would appear to be linked to his outspoken stance against the military and their activities in Aceh, where thousands of human rights abuses identified by the parliamentary investigations have led to no court indictments; the source fears that the police are making GAM a scapegoat, as already happened in the past with investigations into political crimes,

*Considering that the Indonesian Parliament is following the investigation by requesting the police to report on progress made in it,*

1. *Thanks the parliamentary authorities, and in particular the Indonesian delegation to the 105<sup>th</sup> Conference, for the information provided and for their cooperation;*

2. *Notes with deep concern* that the police investigation has so far produced no conclusive result and does not seem to have been carried any further; *is also deeply concerned* that only one line of inquiry seems to have been pursued, and *would appreciate* more detailed information in this respect, in particular as to whether the police are also following other lines of inquiry suggested by Mr. Daud's parliamentary investigation activities in the months preceding his murder;
3. *Recalls* that it is the duty of every State to dispense justice and thus to identify culprits and bring them to justice without undue delay; *also recalls* that impunity poses a major threat to any democratic system based on respect for human rights as it undermines the confidence of citizens in the State's ability to dispense justice and protect human rights, thus undermining respect for the rule of law itself;
4. *Reaffirms* that Parliament, as a guardian of human rights, has a special duty to ensure that the murder of any of its members does not go unpunished; *notes with satisfaction* in this respect that the Indonesian House of Representatives has requested the police to report on the investigation; *would appreciate* information as to whether Parliament has contemplated establishing a special committee to monitor the investigation closely and whether it is competent to take legal action on behalf of its assassinated member;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, inviting them to provide the requested information and to keep it informed of any progress made in the relevant investigations;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

**CASE N° MAL/15 - ANWAR IBRAHIM - MALAYSIA**

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Recalling* the following information on file:

- After his arrest in September 1998, Mr. Anwar Ibrahim was assaulted by the then Inspector General of Police, Rahim Noor. Following the findings of a specially instituted Royal Commission, Rahim Noor was charged with causing grievous bodily harm. He pleaded guilty only after the charge was amended to the lesser offence of "*causing hurt*". In March 2000, Rahim Noor was found guilty of that charge, fined US\$ 530, sentenced to two months' imprisonment and granted bail pending appeal;
- Mr. Anwar Ibrahim was found guilty on 14 April 1999 of corrupt practices and sentenced to six years' imprisonment. On 29 April 2000, the Court of Appeal upheld the verdict, ruling that there "*was no doubt whatsoever*" that Anwar Ibrahim had abused his official powers by ordering the police in 1997 to intimidate two people into withdrawing sexual allegations against him. Mr. Anwar Ibrahim has now appealed to the last instance, the Federal Court;
- On 8 August 2000, the Kuala Lumpur High Court found Mr. Anwar Ibrahim and his adoptive brother, Mr. Sukma Darmawan, guilty of sodomy and sentenced them to nine and six years' imprisonment, respectively; an appeal is pending,

*Recalling also* its deep concerns with respect to (a) the statements made by persons questioned or accused in connection with the above case that testimony had been extracted from them under duress, (b) the instances of harassment of defence lawyers and interference with their duty to defend their clients to the best of their ability, referred to in the Committee's report, and (c) Anwar Ibrahim's state of health,

*Noting* that the Malaysian delegation to the 105<sup>th</sup> Conference (April 2001) submitted to the Committee, during the session it held on the occasion of the Conference, a comprehensive document presenting detailed comments and explanations on the points referred to above, in particular the contempt of court judgment regarding defence counsel Zakaria, the sedition charge brought against defence counsel Karpal Singh, the "*confession*" of Sukma Darmawan and the applicable rules of evidence, the Malaysian "*Lock-up Rules*", Anwar Ibrahim's ill-treatment by the Inspector General of Police, general conditions of detention and Malaysia's position in regard to international human rights standards, as well as on the Council's position in the case of Mr. Anwar Ibrahim,

*Considering* that that the Committee wishes to give that document its full and thorough attention,

1. *Thanks* the Malaysian delegation for submitting detailed comments on this case;



2. *Considers* it essential that, in line with its Procedure, the Committee devote the necessary time to studying the comments put forward by the Malaysian delegation, and consequently *requests* it to report to it at its next session (September 2001) with a presentation of its conclusions.

## CASE N° MON/01 ZORIG SANJASUUREN - MONGOLIA

### ***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Having before it* the case of Mr. Zorig Sanjasuuren, a member of the Parliament of Mongolia, 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/167/12(c)-R.1), which contains a detailed outline of the case,

*Considering* that Mr. Zorig Sanjasuuren was brutally murdered in his home in the evening of 2 October 1998, in the presence of his wife; that, at the time, he was a member of the Mongolian Parliament and chaired its Standing Committee on Security and Foreign Policy; that, as Acting Minister of Infrastructure, he was also a member of the Government of Mongolia; that Mr. Zorig was known to be outspoken,

*Considering* that it is alleged that his murder may have been politically motivated, which might explain why two years after the event the investigation is making no headway,

*Considering* that the inquiry launched to identify the murderers has so far been unavailing; *noting* that, according to the sources, an investigation team was set up on 3 October 1998 and a working group was subsequently appointed by the President's Office and by Parliament whose mandate it was to support the investigation in order to conduct it effectively and according to the law, and to ascertain the reasons and conditions behind that crime; although, according to the sources, a month after the murder the police were optimistic, the situation had changed 10 months later when, following the appointment of a new police leadership in December 1999, the investigation team was restructured and shifted to another department,

*Considering* that, according to the sources, the general feeling among the members of the parliamentary working group was that a number of shortcomings had been tolerated during the investigation such as inappropriate investigative tactics (the site of the crime was not properly protected so that unauthorised persons could enter, leading to the loss of important evidence), serious proposals for certain lines of inquiry were ignored, particularly as regards a possible political motivation of the crime, the investigation was not conducted with due independence and impartiality, and was moreover hampered by power struggles between and within the various law enforcement agencies,

*Considering* that, according to the Mongolian delegation to the 104<sup>th</sup> Conference (October 2000), the investigation is being carried out without any political interference or other "*organised hindrances*",

*Considering* that the Parliament elected in August 2000 did not re-establish the parliamentary monitoring committee for reasons related to the separation of powers; it is, however, supporting the investigation by ensuring that the necessary material facilities are

provided; at the hearing held on the occasion of the 105<sup>th</sup> Conference (April 2001), the Mongolian delegation stated that Parliament was represented through the Speaker in the Security Council, which, apart from the Speaker, comprised the Head of State and the Prime Minister; the Council had recently received full information on the investigation and Mr. Zorig's case had further been raised during question time in Parliament,

1. *Thanks* the Parliament of Mongolia and in particular its delegation to the 105<sup>th</sup> Conference for the information provided and for its cooperation;
2. *Is deeply concerned* that the investigation into Mr. Zorig's murder, which has now been under way for more than two years, has not yet produced any known result, despite the fact that it took place in the presence of a witness, Mr. Zorig's wife, who has been extensively interrogated;
3. *Recalls* that it is the duty of the Mongolian State, as it is of every State, to dispense justice and thus to identify those responsible for crimes through independent and impartial investigations and bring them to justice without undue delay; *also recalls* that impunity poses a major threat to any democratic system based on respect for human rights as it undermines the confidence of citizens in the State's ability to dispense justice and protect human rights, thus eroding respect for the rule of law itself;
4. *Reaffirms* that Parliament, as a guardian of human rights, has a special duty to ensure that the murder of any of its members does not go unpunished as it stands as a threat to all members; *believes* that establishing a monitoring committee, as was done by the previous Parliament, would be an efficient means to this end;
5. *Considers* that an on-site mission would help it to understand the situation better and to make progress; consequently *requests* the Secretary General to contact the parliamentary authorities with a view to organising a mission as early as possible to gather information from the competent parliamentary, governmental, administrative and judicial authorities, as well as from Mr. Zorig's widow, lawyers and family;
6. *Requests* the Secretary General to communicate this resolution to the parliamentary authorities and to the sources;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001), in the light of such information as the on-site mission may have gathered.

## MYANMAR

|                                  |                                       |
|----------------------------------|---------------------------------------|
| CASE N° MYN/01 - OHN KYAING      | CASE N° MYN/110 - TIN MIN HTUT        |
| CASE N° MYN/04 - KHIN MAUNG SWE  | CASE N° MYN/113 - AYE THAN            |
| CASE N° MYN/09 - SEIN HLA OO     | CASE N° MYN/114 - OHN NAING           |
| CASE N° MYN/36 - MYINT NAING     | CASE N° MYN/115 - THEIN ZAN           |
| CASE N° MYN/60 - ZAW MYINT MAUNG | CASE N° MYN/116 - NYUNT HLAING        |
| CASE N° MYN/64 - DAVID HLA MYINT | CASE N° MYN/118 - THAN NYEIN          |
| CASE N° MYN/68 - AUNG KHIN SINT  | CASE N° MYN/119 - MAY WIN MYINT       |
| CASE N° MYN/71 - KYI MYINT       | CASE N° MYN/120 - SAN SAN             |
| CASE N° MYN/84 - SOE THEIN       | CASE N° MYN/122 - MIN SOE LIN         |
| CASE N° MYN/85 - KHUN MYINT HTUN | CASE N° MYN/123 - NAN KHIN HTWE MYINT |
| CASE N° MYN/86 - AYE SAN         | CASE N° MYN/124 - OHN MAUNG           |
| CASE N° MYN/87 - DO HTAUNG       | CASE N° MYN/133 - YAW HSI             |
| CASE N° MYN/88 - CHIT HTWE       | CASE N° MYN/134 - MIN KYI WIN         |
| CASE N° MYN/89 - MYO NYUNT       | CASE N° MYN/135 - NAI TUN THEIN       |
| CASE N° MYN/100 - HLA MYINT      | CASE N° MYN/136 - SAW MRA AUNG        |
| CASE N° MYN/101 - SAW OO REH     | CASE N° MYN/137 - KHIN MAUNG KYI      |
| CASE N° MYN/102 - HLA MIN        | CASE N° MYN/138 - TOE PO              |
| CASE N° MYN/104 - KYAW KHIN      | CASE N° MYN/139 - SOE MYINT           |
| CASE N° MYN/105 - KYIN THEIN     | CASE N° MYN/140 - KHIN HTAY KYWE      |
| CASE N° MYN/108 - MIN SWE        | CASE N° MYN/141 - MAY HNIN KYI        |
| CASE N° MYN/109 - THAN AUNG      | CASE N° MYN/142 - SAN SAN WIN         |

### Parliamentarians reportedly released after serving their sentences:

|                                |                                |
|--------------------------------|--------------------------------|
| CASE N° MYN/10 - WIN HLAING    | CASE N° MYN/111 - SAW LWIN     |
| CASE N° MYN/13 - NAING NAING   | CASE N° MYN/112 - HLA WIN      |
| CASE N° MYN/26 - HLA TUN       | CASE N° MYN/117 - KYAW MYING   |
| CASE N° MYN/28 - TIN AUNG AUNG | CASE N° MYN/121 - TIN OO       |
| CASE N° MYN/41 - ZAW MYINT     | CASE N° MYN/125 - MAHN KYAW NI |
| CASE N° MYN/42 - MYA WIN       | CASE N° MYN/126 - TUN WIN      |
| CASE N° MYN/73 - FAZAL AHMED   | CASE N° MYN/127 - BO HTWAY     |
| CASE N° MYN/103 - TIN AUNG     | CASE N° MYN/128 - THA AUNG     |
| CASE N° MYN/106 - KYAW TIN     | CASE N° MYN/130 - TIN WIN      |
| CASE N° MYN/107 - SAN MYINT    |                                |

### Parliamentarians deceased:

|                                |                            |
|--------------------------------|----------------------------|
| CASE N° MYN/53 - HLA THAN      | CASE N° MYN/72 - SAW WIN   |
| CASE N° MYN/55 - TIN MAUNG WIN | CASE N° MYN/83 - KYAW MIN  |
| CASE N° MYN/66 - WIN KO        | CASE N° MYN/131 - HLA KHIN |
| CASE N° MYN/67 - HLA PE        | CASE N° MYN/132 - AUNG MIN |

### *Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

The Council of the Inter-Parliamentary Union,

*Referring to the outline of the case of the above-mentioned members-elect 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/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),*

*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); that, however, the military authorities have prevented it from convening, setting up instead a National Convention to draft a constitution,

*Recalling* that, under severe pressure from the SLORC, the National League for Democracy (NLD), which had won 392 of the 485 seats, took part in the initial work of the National Convention but withdrew in November 1995, thus severing whatever link there might have been between the National Convention and the popular will as expressed in the 1990 elections,

*Recalling* that, since 1990, the SLORC and subsequently the State Peace and Development Council (SPDC) not only systematically impeded the functioning of the National League for Democracy, 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, then 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 appropriate United Nations human rights bodies to be in breach of international civil and political rights standards,

*Considering* that according to the information at its disposal:

- Several MPs-elect died while in detention: Saw Win was serving a prison sentence with hard labour and was reportedly cremated even before his family had been informed of his death; Hla Than was serving a heavy sentence and it is alleged that his death was due to medical negligence or even ill-treatment; Aung Min died in a government "guest house" and Hla Khin, according to the authorities, committed suicide;
- Two other MPs-elect, Win Ko and Hla Pe, were reportedly assassinated in China in June 1993 and in Thailand in November 1995, respectively; in neither case has any progress been made in investigating the murders, which were allegedly politically motivated;
- Forty-two MPs-elect are serving heavy sentences for acts deemed to be seditious or face proceedings for various acts of political opposition;
- Win Hlaing, Naing Naing, Hla Tun, Tin Aung Aung, Zaw Myint, Mya Win, Fazal Ahmed, Tin Aung, Kyaw Tin, San Myint, Saw Lwin, Hla Win, Kyaw Myint, Tin Oo, Mahn Kyaw Ni, Tun Win, Bo Htway, Tha Aung and Tin Win were reportedly released after serving their sentences,

*Bearing in mind* the allegations before it, namely that the conditions of detention in Myanmar are very harsh, that the detainees may be subject to cruel disciplinary practices or even torture, lack of proper medical care and insufficient food and are moreover generally forced to engage in hard labour,

*Noting*, however, that the International Committee of the Red Cross (ICRC) now has access to the detainees,

1. *Notes* that the Secretary General met the Deputy Permanent Representative of Myanmar to the United Nations Office at Geneva on 23 March 2001, and *hopes* that this meeting will usher in the much-needed dialogue for progress in resolving the cases of the Myanmar MPs-elect;

2. *Notes furthermore* that there have recently been encouraging signs of a thaw in the political climate in Myanmar and an increased level of diplomatic activity, including a number of visits to the country by high-profile delegations, even though for the time being there have been no positive developments in the institutional situation;
3. *Reaffirms* in this light that the Inter-Parliamentary Union is prepared to send an on-site mission to Myanmar to conduct a dialogue both with the authorities of that country and with the MPs-elect; *hopes* that this suggestion will draw a favourable response from the authorities in the very near future;
4. *Strongly reiterates* nevertheless its concerns in the belief that the only way for Myanmar to break out of its political and institutional stalemate will be through the immediate and unconditional release of all the detained MPs-elect, the removal of the ban on political activities and the establishment of institutions genuinely representative of the people's will;
5. *Therefore calls again* on its member Parliaments to press for the respect of democratic principles in Myanmar and to show their solidarity with their elected colleagues from the Pyithu Hluttaw by whatever means they deem appropriate, in particular by supporting the "Committee Representing the People's Parliament", by forming parliamentary caucuses to promote awareness of the situation of their colleagues in Myanmar among fellow MPs, and to make appropriate Myanmar-related policy recommendations to their governments; *invites* member Parliaments to inform it of any steps they may take to that end;
6. *Asks* the Secretary General to bring this resolution to the attention of the authorities of Myanmar, and *looks forward* to receiving information on the current situation of each of the MPs-elect, which the Deputy Permanent Representative undertook to provide;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## CASE N° PAK/08 - ASIF ALI ZARDARI - PAKISTAN

### ***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Senator Asif Ali Zardari of Pakistan, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking into consideration* a letter from the Permanent Representative of Pakistan to the United Nations Office at Geneva, dated 22 January 2001, as well as information supplied by one of the sources,

*Recalling* that Mr. Zardari was arrested on 4 November 1996 and has remained in prison ever since, with five different criminal proceedings pending against him; in two cases (Mr. Alam Baloch and Justice Nizam murder cases), filed in 1997 and 1996, respectively, the trial has not yet started,

*Recalling* that six proceedings under the National Accountability (former *Ehtesab*) Ordinance involving, according to the authorities, gross acts of corruption and corrupt practices and acts of abuse of authority, have been brought against him, in one of which, the SGS case, he was sentenced on 15 April 1999 to five years' imprisonment, disqualification from holding public office for a period of five years and a fine of US\$ 8.6 million,

*Noting* that the appeal before the Supreme Court in the SGS case is currently being heard; allegations exist that pressure was put on the judge to convict Mr. Zardari for corruption; the tape-recordings and transcripts reportedly proving such pressure were made available to the Supreme Court but have apparently not yet been admitted as evidence; moreover, one of the judges sitting on the Supreme Court in this case was allegedly among those who pressured the trial judge into convicting Mr. Zardari,

*Considering* that, according to his lawyers, Mr. Zardari has already served the five-year prison sentence handed down on him since (i) under Section 382-B of the Code of Criminal Procedure, the period a detainee spends in detention prior to his conviction must be counted as part of the sentence to be served; (ii) in accordance with Pakistan Prison Rules, prisoners are entitled to remissions which, in Mr. Zardari's case, amount to four years and three months up to 31 December 2000, as a result of which, on 8 January 2001, the Inspector General of Prisons sent a letter to the Home Department informing it that the Senator had completed his sentence once remissions were taken into account,

*Considering also* that, according to his lawyers, Mr. Zardari was granted bail in all but the "*narcotics case*" which has been pending since 1998; the judge in that case has not yet decided on Mr. Zardari's bail application, as a result of which Mr. Zardari is now entitled to statutory bail as two years have passed since his arrest (May 1998) without the judge having decided on the bail application,

*Recalling* that the authorities have consistently affirmed that Mr. Zardari, who suffers from various ailments, receives all the medical treatment he requires,

*Considering*, however, that his lawyers allege that Mr. Zardari has been denied release on bail on medical grounds, as granted by four Court orders, and has been illegally moved from the Dr. Ziauddin Medical University Hospital (Karachi) to a hospital in Islamabad, where he is kept in solitary confinement in an area declared "sub-jail"; Mr. Zardari is periodically brought over to Fort Attock for court proceedings, and the arduous journeys are highly detrimental to his health,

*Recalling* that a judicial inquiry concluded in August 1999 that the severe injuries Mr. Zardari suffered on 19 May 1999 while in the custody of the Central Investigative Agency (CIA) Civil-Lines for interrogation were not self-inflicted but rather inflicted on him; *considering* in this connection that the High Court of Sindh-Karachi set aside the court order granting Mr. Zardari's transfer from judicial to CIA police custody for interrogation purposes, ruling that it was "illegal, without jurisdiction and passed without lawful authority",

*Recalling* its deep concerns that, instead of bringing the culprits of the ill-treatment of Mr. Zardari to justice, he himself was accused of attempted suicide; *considering* that the authorities have provided no information or observation in that respect,

*Mindful* of the fact that Section 14 of the Constitution of Pakistan prohibits torture; that freedom from torture is also guaranteed under the Universal Declaration of Human Rights, as are the right to an effective remedy for acts violating fundamental rights, provided for in Article 8, and the right to fair trial by an independent and impartial court, provided for in Article 10; *recalling* that, as a member of the United Nations, Pakistan is bound to respect the rights set forth in the Declaration,

1. *Thanks* the Permanent Representative of Pakistan to the United Nations Offices at Geneva for his letter; *regrets*, however, that it merely enumerates the cases pending against Mr. Zardari without responding to the specific concerns raised by the Council in the resolution it adopted at its 167<sup>th</sup> session, in particular with respect to the torture suffered by Mr. Zardari;
2. *Can but infer* from the lack of any information on this point that Mr. Zardari remains charged with attempted suicide and that no action has been taken to bring to justice those responsible for his ill-treatment;
3. *Urges once again* the authorities to ensure that those responsible for ill-treating Mr. Zardari are promptly brought to justice for the sake of preventing any repetition of such acts, and to drop the suicide attempt charges brought against him as they have been proven to be totally unfounded;
4. *Remains concerned* at Mr. Zardari's state of health, which four Courts considered serious enough to warrant release on bail; *is convinced* that the evidence of ill-treatment in custody in itself justifies his release on bail;
5. *Would appreciate* receiving the observations of the authorities concerning the affirmation that Mr. Zardari is entitled to statutory bail in the only case pending against him in which bail on medical grounds has not yet been granted;
6. *Notes* that the "SGS corruption case" before the Supreme Court is currently being heard; *trusts* that all evidence will be truly and adequately taken into account;
7. *Notes* that, according to his lawyers, Mr. Zardari has already served his five-year prison term in the SGS case, and *desires* clarification on this point;



8. *Remains concerned* at the length of the various proceedings under way against Senator Zardari, two of which have not even started although they were brought four years ago, and *stresses once more* that, under internationally recognised human rights norms, anyone arrested or detained on a criminal charge must be either tried without undue delay or released immediately;
9. *Requests* the Secretary General to bring this resolution to the attention of the competent authorities in Pakistan and to seek the relevant information from them;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## CASE N° MOL/01 - ILIE ILASCU - REPUBLIC OF MOLDOVA

### ***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Ilie Ilascu, a member of the Parliament of the Republic of Moldova, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of the communication of 13 March 2001 from the President of the Romanian Inter-Parliamentary Group, and of the information provided by the latter on the occasion of the 105<sup>th</sup> Conference of the Inter-Parliamentary Union (April 2001),

*Recalling* the following information on file:

- Mr. Ilie Ilascu and five others were arrested in 1992 in Tiraspol, the capital of the self-proclaimed "*Moldovan Republic of Transdniestria*" and during a trial in which fundamental rules of due process were violated, Mr. Ilascu was found guilty of the murder of two "*civil servants*" and secessionist "*authorities*" and of terrorist activities, and was sentenced to death;
- On 3 February 1994, the Supreme Court of the Republic of Moldova, whose jurisdiction includes Transdniestria since the region is part of the Republic of Moldova under international law, considered an appeal against the sentencing of Mr. Ilie Ilascu and his co-defendants and decided to quash the sentence and order the release of Mr. Ilascu and the others; however, since Transdniestria is under the *de facto* control of the secessionist authorities, that judgment has not been executed;
- Mr. Ilascu was subjected to physical and mental ill-treatment, including mock executions, and is held under harsh conditions that have seriously affected his health as he now reportedly suffers from a chronic lung illness and liver problems and is denied the necessary medical attention,

*Further recalling* that the IPU has always pressed for Mr. Ilascu's transfer to the non-separatist part of the Republic of Moldova or another sovereign State where he could be retried by a lawful, independent and impartial tribunal; *considering* that efforts to this end are currently under way,

*Considering* that Mr. Ilie Ilascu, a member of the Parliament of Moldova from 1994 to 2000, was granted Romanian citizenship on 4 October 2000 and, on 26 November 2000, was elected a member of the Romanian Senate, the Moldovan Parliament terminating his mandate on 4 December 2000,

*Considering* that a note prepared by the Committee on CIS Affairs of the Russian State Duma on the case of Mr. Ilascu, and forwarded on 11 January 2001, concludes that since "*Mr. Ilascu has become a citizen and parliamentarian of a State that is not a member of the Commonwealth of Independent States (CIS), we are no longer in a position to influence the fate of a former deputy of the Moldovan Parliament*",

*Recalling* that Mr. Ilascu has brought his case before the European Court of Human Rights, which invited the Republic of Moldova and the Russian Federation (the latter, according to the complaint, sharing responsibility since the territory of Transdniestria is under its *de facto* control) to submit written observations on the admissibility and merits of Mr. Ilascu's application, which both have already done; *noting* that, according to the information provided by the President of the Romanian Inter-Parliamentary Group on the occasion of the 105<sup>th</sup> Conference of the Inter-Parliamentary Union, the European Court has decided to refer the case to a Grand Chamber under an accelerated procedure,

*Further recalling* that, in the view of the Council of Europe, the European Union and the OSCE, the continued presence of the Fourteenth Russian Army and its military installations hampers a solution to the Transdniestria problem, this being the backdrop to the Ilascu case,

*Noting* that the agreement of 21 October 1994 between the Republic of Moldova and the Russian Federation, providing for the withdrawal of the Russian troops, has still not entered into force and that the Russian State Duma removed the item relating to ratification of the agreement from its agenda in January 1999,

1. *Thanks* the Romanian and Russian parliamentary authorities for their cooperation and for the information they provided;
2. *Notes* that Mr. Ilascu has acquired Romanian nationality and was elected a member of the Senate of Romania;
3. *Calls once again* on the Russian authorities, in their capacity as a guarantor power along with Ukraine, to provide assistance in seeking an appropriate settlement of Mr. Ilascu's situation, notably by working towards a full withdrawal of the Russian troops from Moldovan territory as recommended by the European Union, the Council of Europe and the OSCE Parliamentary Assembly;
4. *Reiterates its deep concern* at the reliable allegations that Mr. Ilascu's health has deteriorated; *urges* all parties concerned, including the guarantor States and in particular their Parliaments, to ensure that the International Committee of the Red Cross (ICRC) obtains permission to visit Mr. Ilascu, and *reiterates* its request for information about any step taken to this end;
5. *Considers* that, in the light of recent developments in this case, an on-site mission with the mandate to meet Mr. Ilascu, to ascertain his personal situation and to work towards his transfer to a third country would contribute to progress towards a satisfactory settlement of this case, and *requests* the Secretary General to explore with the authorities concerned the possibility of such a mission;
6. *Requests* the Secretary General to convey this resolution to the competent Parliaments involved in this case, calling on them to take all possible steps with a view to obtaining Mr. Ilascu's transfer to a sovereign State;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

**CASE N° SRI/12 - JAYALATH JAYAWARDENA - SRI LANKA**

***Resolution adopted without a vote by the IPU Council at its 168<sup>th</sup> session  
(Havana, 7 April 2001)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Dr. Jayalath Jayawardena, a Member of Parliament of Sri Lanka, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Taking account* of the information supplied by Mr. Raja Collure, a Sri Lankan delegate to the 105<sup>th</sup> Conference of the Inter-Parliamentary Union (April 2001), and of information provided by Dr. Jayawardena on 31 March 2001,

*Recalling* that, in early 1997, Dr. Jayawardena was charged under the Public Property Act with criminal misappropriation on accusations of having, from 1 November 1992 to 31 October 1993 and from 1 January 1991 to 31 December 1991, drawn a salary from the State without performing his duty; two cases - N° 8075/96 and N° 8076/96 - were opened against him before Colombo High Court; the sources feared that the charges were fabricated and brought against Dr. Jayawardena solely on account of his political stance and activities,

*Recalling* that, on 22 August 2000, Dr. Jayawardena was acquitted in the first case, the judge finding that there was no basis for concluding that he had failed to discharge his duties during the period 1 November 1992 to 31 October 1993,

*Considering* that, on 13 March 2001, the judge granted a request of the Attorney General's Office to withdraw the charges in the second case,

*Recalling* further that the President of the Republic accused Dr. Jayawardena on several occasions, most recently in a television interview on 15 February 2001, of having contacts with the Liberation Tigers of Tamal Eelam (LTTE) without substantiating such accusation; *recalling* in this context the following incident: the Red Cross driver who took Dr. Jayawardena in May/June 1998 to the Wannai District, a restricted area, was arrested and detained for seven months without being charged; he testified that he had been threatened with assault and torture in order to make him say that Dr. Jayawardena had held meetings with LTTE members; in the fundamental human rights case brought before it, the Supreme Court granted the statement by the driver and awarded him compensation,

*Considering* that, following the President's public statements, Dr. Jayawardena has reportedly received death threats; *noting* that several pro-Tamil politicians have in the past fled the country for fear of their lives or been killed, such as MP Atputharajah in November 1999 and the leader of the All Ceylon Tamil Congress, Mr. Ponnambalam, in January 2000,

*Considering* that, according to a Sri Lankan delegate to the 105<sup>th</sup> Conference, the President of the Republic, who enjoys immunity from prosecution, acts with responsibility; accusations of contacts with the LTTE had been made during the election campaign against the United National Party as such, and it was not logical to link the death threats against Dr. Jayawardena to accusations of contacts with the LTTE; he nevertheless affirmed that complaints of death threats must be investigated,

*Considering* that, in October 2000, a Deputy Minister and MP belonging to the ruling party, Mr. Felix Perera, reportedly threatened Dr. Jayawardena with death during a public meeting in Dr. Jayawardena's constituency; Dr. Jayawardena filed a complaint with the police and, among other authorities, with the Speaker of Parliament, who took the matter up with the Inspector General of Police; according to the same Sri Lankan delegate to the 105<sup>th</sup> Conference, the police have conducted investigations and gathered testimony, and the relevant report will be forwarded by the Attorney General,

*Considering* in this connection that, in March 2000, the parliamentary authorities recommended to the police that Dr. Jayawardena be afforded additional personal security; however, their recommendation has reportedly not been acted upon as yet,

1. *Thanks* the Sri Lankan delegate for the information he provided and for his cooperation;
2. *Notes* that the charges in the second case pending against Dr. Jayawardena have been withdrawn and that consequently he is no longer the subject of any judicial proceedings;
3. *Remains nonetheless deeply concerned* at the repeated public accusations made by the Head of the State against Dr. Jayawardena, which, given the political context, designate him as a target and jeopardise his personal security, as evidenced by the death threats he has reportedly received;
4. *Recalls* that Sri Lanka, as a party to the International Covenant on Civil and Political Rights, which guarantees the right to security, is under an obligation to ensure that its authorities refrain from any action endangering the security of its citizens and to take reasonable and appropriate measures to protect their lives;
5. *Trusts therefore* that any unsubstantiated accusations of forbidden contacts with the LTTE on the part of Dr. Jayawardena will cease and that his complaint of death threats will be promptly and thoroughly investigated; *notes* in this respect that investigations into the threats proffered against Dr. Jayawardena by a fellow MP and member of the Government are under way, and that the Attorney General is expected to report thereon to Parliament;
6. *Notes with satisfaction* that Parliament has requested the Ministry of Defence to afford Dr. Jayawardena the necessary protection; *is nonetheless concerned* that no such measures have apparently been taken, and *calls on* the parliamentary authorities to ensure that such protection is indeed afforded him and its recommendations heeded by the competent authorities;
7. *Requests* the Secretary General to convey this resolution to the Speaker of Parliament, to the Attorney General and to the Minister of Defence, as well as to Dr. Jayawardena;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 2001).

## 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 IPU Council at its 168<sup>th</sup> session (Havana, 7 April 2001)*

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly (TGNA), as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/168/13(c)-R.1), and to the relevant resolution adopted at its 167<sup>th</sup> session (October 2000),

*Recalling* that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak are at present serving the 15-year prison sentence handed down on them in December 1994 for membership of an armed organisation; that their verdict relied heavily on the deputies' public speeches and writings quoted in the indictment as evidence of their membership of the Kurdistan Workers Party (PKK),

*Recalling* that, on 8 February 1999, the TGNA voted an amnesty law which suspended the execution of the additional sentences handed down on Mr. Dicle and Ms. Zana for articles they had published while in prison, so long as they refrained from repeating any such statements,

*Recalling* that Mr. Yurtdas, Mr. Alinak, Mr. Sakik and Mr. Türk were found guilty of separatist propaganda and sentenced to 14 months' imprisonment and a fine; that Mr. Toğuç, Mr. Kiliñ, Mr. Günes, Mr. Yigit and Mr. Kartal fled abroad and were subsequently also accused of separatism, and would be arrested and prosecuted if they returned to Turkey,

*Bearing in mind* that in its ruling of November 1997 on the application of Mr. Sakik, Mr. Türk, Mr. Alinak, Ms. Zana, Mr. Dicle and Mr. Dogan, the European Court of Human Rights concluded that there had been a violation of Article 5 (right to liberty), paragraphs 3 (right of anyone arrested to be brought promptly before a judge and tried within a reasonable time or released), 4 (right to judicial review of arrest and detention), and 5 (right to compensation of everyone who has been the victim of arrest or detention in contravention of any provision of Article 5), of the European Convention on Human Rights; *considering* that, according to information provided by the Turkish authorities, the former deputies concerned were paid compensation in line with Article 5, paragraph 5, of the Convention,

*Recalling* that on 9 March 1999 the European Commission on Human Rights, in relation to a second application lodged by Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak invoking *inter alia* a violation of their right to fair trial, found that there had been a violation of this right on grounds of their having been judged by a State Security Court comprising a military judge and thus by a court failing to meet the criteria of an independent and impartial tribunal, and of

disrespect for the rights of the defence; the case is now pending before the European Court of Human Rights and a judgment is imminent,

*Noting* that in his communication of 17 January 2001, while refuting the position which the Inter-Parliamentary Union has consistently expressed in this case, the President of the Turkish Inter-Parliamentary Group requested that the examination of this case be suspended pending the judgment in question,

*Considering* that the judgment of the European Court of Human Rights, a supranational judicial body, is binding upon Turkey and that the Court's findings will consequently be essential to the further treatment by the IPU of this case,

1. *Decides* to postpone further examination of the case, pending the ruling of the European Court of Human Rights;
2. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and the sources;
3. *Requests* the Committee on the Human Rights of Parliamentarians to report to it at its next session (September 2001) in the light of any judgment meanwhile handed down by the European Court of Human Rights.