



# **R E S U L T S**

**104<sup>th</sup> CONFERENCE  
AND RELATED MEETINGS**

**OF THE**

**INTER-PARLIAMENTARY UNION**

***JAKARTA (INDONESIA)***

***12 - 21 OCTOBER 2000***

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## **A. 104<sup>th</sup> INTER-PARLIAMENTARY CONFERENCE<sup>1</sup>**

The proceedings of the 104<sup>th</sup> Inter-Parliamentary Conference began at the Jakarta Conference Centre on the morning of Monday, 16 October 2000 with the election by acclamation of Mr. Akbar Tandjung, Speaker of the House of Representatives of Indonesia, as President of the Conference.

In the afternoon of 17 October, during the General Debate on the political, economic and social situation in the world, the Conference was addressed by Her Excellency, Mrs. Megawati Soekarnoputri, Vice-President of the Republic of Indonesia, who spoke of the latest developments in Indonesia and described what was being done by the Indonesian Government to lay the policy foundations for comprehensive reforms. She also expressed her hope that the Conference would provide opportunities for discussion of the problems facing the nations once referred to as the “South”, saying that history was more about people than about governments.

### **1. INAUGURAL CEREMONY**

The 104<sup>th</sup> Inter-Parliamentary Conference was inaugurated on 15 October at a ceremony in the Nusantara Hall of the Parliament Buildings in the presence of His Excellency Mr. K.H. Abdurrahman Wahid, President of the Republic of Indonesia. Inaugural addresses were delivered by Mr. Akbar Tandjung and Dr. Najma A. Heptulla, President of the Council of the Inter-Parliamentary Union. The ceremony concluded with an address by the President of the Republic of Indonesia, who declared the 104<sup>th</sup> Inter-Parliamentary Conference officially open.

Extracts from the inaugural speeches will be published in the Inter-Parliamentary Bulletin (N° 2, 2000).

### **2. PARTICIPATION**

Delegations of the Parliaments of the following 108 countries took part in the work of the Conference<sup>2</sup>: Algeria, Andorra, Angola, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People’s Democratic Republic, Latvia, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa<sup>3</sup>, San Marino, Sao Tome and Principe<sup>3</sup>, Singapore, Slovakia, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey,

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

<sup>2</sup> For the complete list of IPU membership, see Section F.

<sup>3</sup> Affiliated to the IPU on the occasion of the 104<sup>th</sup> Conference of the Inter-Parliamentary Union.

Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

The following Associate Members also took part in the Conference: the Andean 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: International Labour Organization (ILO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), World Bank, International Monetary Fund (IMF); (iii) International Organization for Migration (IOM); (iv) African Parliamentary Union (APU), Amazonian Parliament, Arab Inter-Parliamentary Union, Assembly of the Western European Union (WEU), Association of European Parliamentarians for (Southern) Africa (AWEPA), Inter-Parliamentary Assembly of the Commonwealth of Independent States, Maghreb Consultative Council, Nordic Council, Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC), Parliamentary Union of the OIC States (PUOICM); (v) International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies.

Of the total of 1,229 delegates who attended the Conference, 563 were parliamentarians and 20 were observers. The parliamentarians included 28 presiding officers of parliament, 36 deputy presiding officers and 135 women parliamentarians (24%).

### 3. CHOICE OF A SUPPLEMENTARY ITEM

When this agenda item was addressed on the morning of 16 October, the Conference had before it 4 requests for the inclusion of a supplementary item presented by the delegations of Algeria (on behalf of Parliaments of Arab countries), Belgium, Italy, and South Africa.

Before the start of the first sitting of the Conference, the following delegations, which had submitted within the statutory deadline proposals for the supplementary item, withdrew their proposals: Germany: *"Free and Fair Elections"*; Nigeria: *"Debt forgiveness in the interests of sustainable development in developing economies"*; Argentina: *"The problem of money laundering: perspectives for a global policy"*; and Kuwait: *"Contribution of parliamentarians to the release and repatriation of prisoners of war"*. The latter withdrew in order to support the Algerian proposal. Furthermore, the Conference, in accordance with Article 20 of its Rules, did not consider the proposal submitted by Israel: *"Closing the technological and "digital divide" gaps between the industrialised and emerging nations"*, as the sponsor of this proposal did not attend the Conference.

Following statements by the authors of the four remaining proposals and contrary opinions in two cases, a vote was held by roll call with the following outcome:

- The item proposed by the Parliament of Italy entitled *"Action by parliaments to halt the use of minors in military operations"*: 711 votes to 365, with 310 abstentions (see details of the vote in Annex H-1(a));
- The item proposed by the Parliament of Algeria (on behalf of the Parliaments of Arab countries) entitled *"The role of parliamentarians in the peaceful settlement of regional disputes with a view to establishing worldwide peace and security"*: 537 votes to 491, with 358 abstentions (see details of the vote in Annex H-1(b));
- The item proposed by the Parliament of South Africa entitled *"Responding to natural disasters in developing countries"*: 903 votes to 255, with 228 abstentions (see details of the vote in Annex H-1(c));

- The item proposed by the Parliament of Belgium entitled "*Are embargoes and economic sanctions still ethically acceptable, do they still work, and are they suited to achieving their purpose in an ever more globalised world?*": 960 votes to 178, with 248 abstentions (see details of the vote in Annex H-1(d));

The proposal of the Parliament of Belgium, having received not only the necessary two-thirds majority but also 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**

The Conference had received three proposals for an emergency supplementary item to be considered by the Conference as follows: Morocco "*The role of parliamentarians in bringing an end to the tension and confrontation in the Middle East, and action to save the peace process*"; Algeria "*Striving for respect for the Geneva Conventions: security and protection of Palestinian civilians*" and from Indonesia "*Bringing an end to Israeli acts of violence against Palestinian citizens and action to save the peace process*".

At the opening of the afternoon sitting of the Conference on Monday, 16 October, the authors of these three proposals submitted one single merged proposal entitled "*Bringing an end to the tension and violence in the Middle East, protecting civilians in accordance with the Fourth Geneva Convention, and action to save the peace process in accordance with the relevant United Nations Resolutions*".

Following a statement by Mr. M.D. Susilo from Indonesia who spoke on behalf of the three co-authors, and no delegation having wished to express a contrary opinion, the proposal was adopted by consensus.

#### **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, 16 October, all day on Tuesday, 17 October, on the afternoon of Wednesday, 18 October and all day on Thursday, 19 October. A total of 126 speakers from 102 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: Botswana, Cameroon, El Salvador, Germany, Iran (Islamic Republic of), Lithuania, Nepal, Switzerland and Zambia.

##### **(b) The prevention of military and other coups against democratically elected governments and against the free will of the peoples expressed through direct suffrage and action to address grave violations of human rights of parliamentarians (item 4)**

This item was considered on 17 and 19 October by the Second Committee (Parliamentary, Juridical and Human Rights Questions). The proceedings of this Committee were chaired by its President Mr. J. T. Nonô (Brazil). It had before it 8 memoranda submitted by the delegations of Argentina, Australia, Chile, Congo, Egypt, Israel, Japan and Switzerland, as well as two information documents submitted by the IPU Committee on the Human Rights of Parliamentarians and the Secretariat. It also had before it 14 draft resolutions submitted by the delegations of Australia, Canada, Chile, Congo, Costa Rica, Estonia, Germany, Guatemala, Israel, Japan, Kuwait, Netherlands, Philippines and the United Kingdom.

A total of 55 speakers from 49 countries addressed the two sessions devoted to the general debate on the topic. Subsequently, the Committee appointed a drafting committee comprising representatives of Argentina, Australia, Canada, Congo, Guatemala, Indonesia, Japan, Jordan, Netherlands, South Africa and the United Kingdom.

The drafting committee met all day on 18 October. At the beginning of its work, it elected Mr. E. Jurgens (Netherlands) as its President and Mr. D. Oliver (Canada) as its Rapporteur. It adopted unanimously a draft resolution that drew on the memoranda and draft resolutions that had been submitted by the delegations of Australia, Canada, Indonesia, Netherlands and the United Kingdom.

At its sitting on 19 October, the Second Committee received the report of the Rapporteur and adopted by acclamation the draft resolution as proposed by the drafting committee.

At its closing session on 20 October, the Conference adopted by consensus the Second Committee's draft resolution (see Annex H-2 for the text of the resolution).

**(c) Financing for development and a new paradigm of economic and social development designed to eradicate poverty (item 5)**

This item was considered on 18 and 20 October by the Third Committee (on Economic and Social Questions), which met with one of its Vice-Presidents, Mr. B. Boukernous (Algeria), in the chair. The Committee had before it 12 memoranda, submitted by delegations from Australia, Chile, Congo, Egypt, Estonia, Guatemala, Hungary, India, Iraq, Japan and Switzerland, as well as one from Mr. L. A. León (Argentina); one information document prepared by the IPU Secretariat; and 23 draft resolutions submitted by Australia, Canada, Chile, Costa Rica, Cuba, Estonia, France, Germany, Guatemala, India, Indonesia, Iraq, Japan, Kuwait, Netherlands, Philippines, Russian Federation, Tunisia, United Kingdom, Latin American Parliament, Parliamentary Assembly of the Council of Europe, the Meeting of Women Parliamentarians, and Mr. L. A. León (Argentina).

A total of 65 speakers from 59 countries and two international organisations participated in the debate that took place throughout the day on 18 October. It is noteworthy that one-third of the speakers were women. The Committee appointed a drafting committee comprising representatives from the Parliaments of the following countries: Algeria, Australia, Benin, Egypt, El Salvador, France, Germany, Japan, Netherlands, Nigeria and Uruguay. A representative of the World Bank participated in the work of the Committee as adviser. The drafting committee, after electing Mrs. C. Gallus (Australia) as its President and Mr. Y. Tavernier (France) as its Rapporteur, met throughout the day on 19 October. It took the draft resolution submitted by Japan 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.

In the morning of 20 October, the Third Committee examined the text submitted to it by the drafting committee and adopted it without a vote.

In the afternoon of 20 October, Mr. Y. Tavernier (France) submitted the Third Committee's draft resolution to the 104<sup>th</sup> Conference, which adopted it without a vote (see Annex H-3 for the text of the resolution). After the adoption of the resolution, the delegation of India took the floor to express regret that the resolution made no mention of natural disasters.

**(d) Are embargoes and economic sanctions still ethically acceptable, do they still work, and are they suited to achieving their purpose in an ever more globalised world? (item 7)**

Having decided to add this item to its agenda (see section 3 above), the Conference referred it to the First Study Committee (on political questions, international security and disarmament), which examined it on 18 and 20 October with its President, Mr. A.H. Hanadzlah (Malaysia) in the chair. The Committee had before it three draft resolutions submitted by the delegations of Belgium, Iran (Islamic Republic of) and Iraq.

In the morning of 18 October, the Committee held a debate on this item during which 29 delegates took the floor. At the close of the debate, the Committee appointed a drafting committee composed of delegates from the following countries: Belgium, Benin, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Libyan Arab Jamahiriya and Romania. The drafting committee met throughout the day on 19 October and began its work by electing Mr. R. Ahouandjinou (Benin) as President and Mrs. M.J. Laloy (Belgium) as Rapporteur. Taking the draft resolution from the Belgian delegation as a basis for its work and also drawing on those of the Iranian and Iraqi delegations, the committee reviewed sanctions in all their forms and in all contexts covered before preparing a consolidated text which was approved by consensus.

In the morning of 20 October, the First Committee began by hearing the report of Mrs. Laloy, then rejected by 14 votes to 12, with four abstentions, an amendment to the draft text to delete some words from the thirteenth preambular paragraph. A second amendment to replace operative paragraph 4 which called for the lifting of all sanctions of a global economic nature by another which advocated reassessing all other sanction regimes currently in force was adopted by 17 votes to 12, with four abstentions. The text of the draft resolution, as amended, was adopted without a vote. Lastly, the Committee asked Mrs. Laloy to report to the Conference on the work of the Committee.

In the afternoon of 20 October, the Rapporteur submitted the draft resolution at the Conference's final plenary sitting. The delegation of Iraq proposed replacing operative paragraph 4 by the text that had been proposed by the drafting committee but rejected by the First Committee, as indicated above. The Conference then adopted this amendment by 592 votes to 517, with 105 abstentions (see Annex H-4(a) for details of the vote). The Norwegian delegation subsequently requested a vote on the resolution as a whole (see Annex H-4(b) for details of the vote), which was adopted by 834 votes to 245, with 159 abstentions (the text of the resolution is reproduced in annex H-5).

**(e) Bringing an end to the tension and violence in the Middle East, protecting civilians in accordance with the Fourth Geneva Convention, and action to save the peace process in accordance with the relevant United Nations resolutions (item 8)**

The Steering Committee of the Conference nominated on 17 October a drafting committee composed of representatives of the following countries: Algeria, France, Germany, Guatemala, Indonesia, Mali, Morocco, Nigeria, Russian Federation, Thailand and Uruguay to prepare a draft resolution on this item. The Committee, at its first meeting on that day, elected Mr. M. Vauzelle (France) as its Chairman. The Committee invited the observers of Palestine and the International Committee of the Red Cross (ICRC) to assist it in its work. At its second meeting, on 18 October, the Committee agreed by consensus on a draft resolution.

On 19 October, the President of the drafting committee introduced the draft resolution to the Conference explaining that it was based on the draft submitted by the three co-sponsors as well as the resolution of the United Nations Security Council approved on 7 October 2000, and the declaration made by the President of the United States on 17 October following the meeting in Sharm el-Sheikh. The Conference proceeded to a vote at the request of the delegation of Slovakia (see Annex H-6 for details of the vote). The resolution was approved with 987 votes in favour, 61 against and 131 abstentions. Following the vote, the delegate of the Islamic Republic of Iran

stated that his delegation opposed any reference that might imply recognition of the State of Israel. (See Annex H-7 for the text of the resolution).

**(f) Amendments to the Statutes of the Inter-Parliamentary Union (item 6)**

At its sitting on 20 October, the Conference adopted two amendments to the Statutes, proposed by the Council: to amend Article 6 of the Statutes changing the date for submission of annual reports by the member parliaments from the end of March to the end of January and to amend Article 27.3 of the Statutes replacing the provision that the budget of the Association of Secretaries General of Parliaments shall be part of the budget of the IPU by a provision stating that the IPU shall make an annual contribution towards the budget of the ASGP.

## **B. 167<sup>th</sup> SESSION OF THE COUNCIL OF THE INTER-PARLIAMENTARY UNION**

The Council of the Inter-Parliamentary Union held its 167<sup>th</sup> session at the Jakarta Conference Centre on 16 and 21 October 2000 with its President, Dr. N.A. Heptulla (India), in the chair.

The Council noted the written and oral reports by Dr. Heptulla on her activities and meetings since the end of the 167<sup>th</sup> session in May 2000. The Council also noted an oral report by the President on the activities of the Executive Committee during its 231st session, in Jakarta (see Section C). Moreover, the Council noted the written interim report of the Secretary General on the activities of the Union since its 166<sup>th</sup> session.

### **1. MEMBERSHIP OF THE UNION**

At its first sitting, the Council decided, on the recommendation of the Executive Committee, to affiliate the Parliaments of Liechtenstein, Samoa, and Sao Tome and Principe to the Union. At the same sitting, the Council decided to suspend the affiliation of the Parliament of Fiji which had ceased to function. As a result of those decisions, the Union now comprises 140 Member parliaments and five international parliamentary assemblies as Associate Members (see Section F).

### **2. PARLIAMENTARY DIMENSION TO INTERNATIONAL COOPERATION**

#### **(i) Conference of Presiding Officers of National Parliaments**

The Council took note of the written and oral report on the outcome of the Conference of Presiding Officers of National Parliaments that was held in New York from 30 August to 1 September 2000, in the United Nations General Assembly Hall. 145 Presiding Officers of National Parliaments and 11 Vice-Presidents attended this first ever world summit of Presidents of Parliaments which was organised by the Inter-Parliamentary Union in cooperation with the United Nations. 403 representatives of 138 national parliaments, 3 regional assemblies and 22 observer organisations took part in the event.

At the close of the conference, the participants adopted by consensus the Declaration on "*The Parliamentary Vision for International Cooperation at the Dawn of the Third Millennium*" (see Annex J-1). The Council called on all member Parliaments of the IPU to do everything possible to ensure that the declaration is followed up in a practical and effective manner and, on that basis, to undertake a thoroughgoing review of the parliamentary contribution to the international cooperation process.

The Council expressed regret that two Presiding Officers had been refused visas to enter the United States and had therefore been prevented from participating in the Conference. The Council reaffirmed the fundamental principle of the IPU that "*it can only hold meetings if all its members are invited and if their representatives are assured of receiving the necessary visas for participation*".

#### **(ii) Millennium Summit**

The Council noted that its President had been invited to present the outcome of the Presiding Officers' Conference to the Millennium Summit of Heads of State and Government which was held at the United Nations Headquarters from 6 to 8 September 2000. It welcomed the

Millennium Declaration adopted at that Summit in which the heads of State and government resolved *"to further strengthen cooperation between the United Nations and national parliaments through their world organization, the Inter-Parliamentary Union, in various fields, including: peace and security, economic and social development, international law and human rights, democracy and gender issues"*.

**(iii) The status of IPU at the United Nations**

At its second sitting, the Secretary General reviewed developments in the cooperation between the Union and the United Nations system. The Council was informed of the discussions that had taken place in the Executive Committee and the latter's consultations with the geopolitical groups in the IPU regarding the Union's status at the United Nations. Based on their unanimous recommendation, the Council decided that the Union should not seek observer status in the UN General Assembly. Instead it suggested that the General Assembly *"request the UN Secretary-General, in consultation with member States and the IPU, to explore ways in which a new and formalised relationship may be established between the IPU, the General Assembly and its subsidiary organs, and to report thereon to the General Assembly at its resumed session in May 2001."*

The Council urged IPU members to take steps to ensure that their countries' Permanent Representatives to the United Nations in New York formally sponsored this year's draft resolution on cooperation between the Union and the UN which contained the above request. Moreover, the Council encouraged member parliaments of the IPU to be present at United Nations Headquarters on 8 November 2000 when the General Assembly would consider the resolution.

**(iv) International law and human rights**

The Council welcomed the growing cooperation with the Office of the United Nations High Commissioner for Human Rights. It took note of the outcome of the sub-regional workshop for North East Asian Parliaments on human rights and parliaments that had been organised by the IPU in Mongolia in cooperation with the High Commissioner's Office. It welcomed the intention to organise similar workshops in other regions.

The Council noted that work had now started on two parliamentary handbooks: one to be developed on human rights in cooperation with the Office of the High Commissioner for Human Rights and the other on international refugee protection with the Office of the High Commissioner for Refugees.

The Council welcomed the interest expressed by the Director General of the UN Office in Vienna, Mr. P. Arlacchi, to develop cooperation with the IPU in support of United Nations efforts to combat transnational crime, money laundering and drug trafficking.

**(v) Economy, trade and development**

The Council took note of the progress report delivered by the Secretary General on discussions with the United Nations Development Programme (UNDP) and the World Bank to seek to develop a parliamentary dimension to these organisations. The Council noted that consultations had been started with the African Parliaments with a view to the possible organisation of a parliamentary conference on development issues in which the UNDP had expressed interest.

The Council took note of the plans that were being developed to hold, with the support of the World Trade Organization, a parliamentary meeting on trade issues, in Geneva. It invited the European Parliament to participate in planning the event, and authorised the President of the Council and the Secretary General to nominate a Preparatory Committee that would finalise such plans.

### **3. REPORTS ON MEETINGS ORGANISED BY THE IPU**

#### **(i) Parliamentary follow-up to the Fourth World Conference on Women**

The Council took note of the activities to follow up this Conference which, for the Inter-Parliamentary Union, took the form of a meeting and publications.

The Council noted the Tripartite Consultation on the theme «*Democracy through Partnership between Men and Women*» that had taken place at the United Nations Headquarters in New York on 7 June 2000. It had been organised by the IPU in cooperation with the UN Division for the Advancement of Women on the occasion of the UN General Assembly Special Session entitled «*Women 2000: gender equality, development and peace for the 21st century*» (New York, 5-9 June 2000), which had convened to assess progress made in the implementation of the Beijing *Platform for Action* at the national, regional and international levels. The Consultation aimed at adding a parliamentary dimension and promoting dialogue between three major institutional players whose action is becoming more interdependent and complementary: parliaments, governments and intergovernmental organisations. The event was chaired by the President of the Council and brought together 450 participants, including the members and representatives of governments and parliaments from 75 countries, representatives of five regional parliamentary assemblies or organisations and 9 international organisations. The debate was geared to *Twelve suggestions for parliamentary follow-up to Beijing + 5* (see Annex J-2).

With respect to publications, the Consultation provided an opportunity to launch a poster «*Women in Politics: 2000*» - a world map showing data on the presence of women in the legislative and executive branches. The poster (the eighth in several years) was, for the first time, released jointly by the Inter-Parliamentary Union and the United Nations. Participants also discussed the outcome of the IPU world survey entitled *Participation of women in political life: An assessment of developments in national parliaments, political parties and the Inter-Parliamentary Union, five years after the Fourth World Conference on Women*, as well as an information kit called *Women in Politics, 1945-2000* and the study *Politics: Women's Insight*, which is a compilation of the insights shared by 180 woman politicians from 65 countries, on their political careers and experiences, and which describes the special contribution of women to the democratic process.

#### **(ii) Parliamentary follow-up to the World Summit for Social Development**

The Council also took note of the report on the results of the Parliamentary Meeting on the occasion of the "Copenhagen+5" Special Session of the United Nations General Assembly convened by the Union on 27 June 2000 and attended by some 130 participants from 40 countries. The meeting provided an opportunity for parliamentarians to take part in a debate with experts relating to the full range of issues covered by the World Summit for Social Development and the Special Session of the UN General Assembly.

The Council was informed in this regard that paragraph 126 of the outcome document adopted by the "Copenhagen+5" Special Session of the United Nations General Assembly specifically invited "*parliamentarians to continue to adopt legislative measures, and to expand awareness-raising, necessary for implementing the commitments of the World Summit for Social Development and the further initiatives contained in the present document and encourage the contribution of the Inter-Parliamentary Union in this effort*".

#### **(iii) Parliament and the Budgetary Process, including from the Gender Perspective**

The Council took note of the Regional Seminar on this topic which was held in Nairobi (Kenya) from 22 to 24 May 2000 for English-speaking African countries. The Seminar, which was preceded by a National Seminar on the budget, was organised in cooperation with the United Nations

Development Programme (UNDP), in the context of the IPU/UNDP parliamentary support programme to promote democracy and good governance, with input from UNIFEM and the Commonwealth Parliamentary Association (CPA). It was inaugurated in the presence of the President and Vice-President of the Republic and chaired by the Speaker of the National Assembly of Kenya, who was assisted in the chair by the leaders of the delegations of Malawi, Namibia, Nigeria, South Africa and Zimbabwe.

The event brought together 120 participants from 17 countries and representatives of five international organisations. Participants exchanged views and experiences on the respective roles and functions of government and parliament in the budgetary process, with special emphasis on ways and means of including a gender perspective in the budget. The MPs and parliamentary staff represented were able to follow parallel sessions led by resource persons on seven topics: (i) the budget: purpose, composition and terminology, (ii) the respective roles of government and parliament in the budget process; (iii) the need for accountability and transparency in the budget process; (iv) parliamentary oversight of the budget: reading, analysing and questioning; (v) the national audit; (vi) gender impact analysis of the budget; (vii) mechanisms and methods for developing a gender sensitive budget, including gender disaggregated data. At the end of the proceedings, the *Key Issues and Guidelines* that had emerged from the discussions, as summarised by the President of the Seminar, were adopted unanimously (see Annex J-3).

The Council responded to the wish expressed in Nairobi that seminars might be held in French-speaking Africa and in other regions by approving the holding, in Bamako (Mali) in July 2001, of a similar event for French-speaking African parliaments. The Council also noted that the Nairobi *Key Issues and Guidelines* would provide source material for an IPU Handbook for parliamentarians on the subject.

#### **(iv) Sub-Regional North East Asia Workshop on Human Rights and Parliaments**

The Council took note of the results of this Seminar, held from 7 to 10 August 2000 in Ulaanbaatar (Mongolia) at the invitation of the Government and Parliament of Mongolia. The Workshop was the first activity jointly organised by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Inter-Parliamentary Union within the framework of the Memorandum of Understanding signed in July 1999. Delegations from the five North-East Asian Parliaments (China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea) participated in the Workshop, which was inaugurated by the Chairperson of the State Great Hural of Mongolia, the Office of the United Nations High Commissioner for Human Rights, the Assistant Secretary General of the IPU, and the United Nations Resident Coordinator and UNDP Resident Representative in Ulaanbaatar. The discussions were led by the Chairperson of the State Great Hural's Human Rights Sub-Committee, who was assisted by a member of that Parliament. Several resource persons contributed.

The programme was designed to address ways in which parliaments as an institution as well as their members individually could promote and ensure respect for human rights, and covered the following nine topics: (i) parliaments and their members as guardians of human rights; (ii) human rights and legislation; (iii) parliaments and human rights treaties; (iv) human rights in the structure of parliament; (v) parliaments and national planning for the promotion and protection of human rights; (vi) parliamentary oversight and human rights; (vii) role of individual parliamentarians in the promotion and protection of human rights in parliament and in their constituencies; (viii) the role of parliaments in addressing thematic human rights issues: a case study on the Convention on the Rights of the Child; (ix) the United Nations: A partner for parliamentarians in the promotion and protection of human rights.

#### **4. MEETING OF WOMEN PARLIAMENTARIANS**

The Council took note of a report by Mrs. I.I. Murti (Indonesia) on the proceedings and outcome of the Meeting of Women Parliamentarians which she had chaired on 15 October 2000 (see Section D). The report included an appeal to national parliaments to take action with a view to the ratification of the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) and its *Optional Protocol*. It further included an appeal to national parliaments to take action as follow-up to the Beijing + 5 Special Session of the United Nations General Assembly (see Section 3(i) above), based on *Twelve suggestions for parliamentary follow-up to Beijing+5* (see Annex J-2). The Council also took note of a further election to the Coordinating Committee (see Section G-5).

#### **5. SECURITY AND COOPERATION IN THE MEDITERRANEAN**

The Council took note of a report by Mr. M. Vauzelle (France) on the proceedings and outcome of the seventeenth Meeting of Representatives of Parties to the CSCM process, held on 18 October 2000 under his chairmanship (see Section E-1). It noted the enlargement of the composition of the CSCM Ad Hoc Committee (see Section G-6). It agreed to hold in Valetta (Malta), on 19-20 January 2001, a session of an Ad Hoc Committee of the CSCM to study in depth issues relating to the possible establishment of a parliamentary assembly of Mediterranean States and noted that the Maltese House of Representatives had offered to bear virtually all the costs of the session, particularly those of interpretation.

#### **6. HUMAN RIGHTS OF PARLIAMENTARIANS**

The Council took note of a report by Mr. H. Etong (Cameroon), Vice-President of the Committee on the Human Rights of Parliamentarians, who outlined the work of the Committee at its 90<sup>th</sup> and 91<sup>st</sup> sessions which took place respectively in Geneva from 10 to 13 July and in Jakarta from 15 to 20 October 2000 (see Section E-2).

The Council then adopted without a vote resolutions concerning 133 serving or former MPs in the following 16 countries: Argentina, Belarus, Burundi, Cambodia, Colombia, Djibouti, Ecuador, the Gambia, Guinea, Honduras, Malaysia, Myanmar, Pakistan, the Republic of Moldova, Sri Lanka and Turkey (see Annexes K-1 to K-20). The delegations of Malaysia and Turkey each entered a reservation to the resolution regarding their respective country.

#### **7. SUSTAINABLE DEVELOPMENT**

The Council took note of an oral report by Mr. P. Günter (Switzerland) on the proceedings of the subsidiary meeting of the Committee for Sustainable Development, held on 17 October 2000 under his chairmanship (see Section E-3).

#### **8. MIDDLE EAST QUESTIONS**

The Council took note of the report presented by Mr. A. Philippou (Cyprus) on developments in the Middle East since April 2000 based mainly on the accounts given by the Arab delegations (Israel was not represented in Jakarta). The Council authorised the Secretary General to contact the Knesset, the Palestinian Legislative Council and the Palestine National Council, with a view to the possible organisation of a meeting of their representatives with the Committee in the

near future to allow them to express their views on the current situation and their opinions on any other means that the Union's Members could use to make a contribution to the peace process. The Council decided that such a meeting should not have any cost implications for the IPU.

## **9. INTERNATIONAL HUMANITARIAN LAW**

The Council took note of a report by Ms B. Mugo (Kenya) on the proceedings and outcome of the meeting of the Committee to Promote Respect for International Humanitarian Law. It welcomed initiatives taken by various parliaments and institutions to translate into different languages the IPU/ICRC Handbook for Parliamentarians on *Respect for International Humanitarian Law*. It also endorsed the Committee's appeal to parliaments to take action, as appropriate, to ratify the 1980 *Convention on Certain Conventional Weapons* before the Review Conference that is due to take place in 2001, to ratify the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, and to pursue action on the question of anti-personnel mines and that of the International Criminal Court.

## **10. SITUATION IN CYPRUS**

The Council took note of the report presented by Ms Y. Loza (Egypt) on developments and contacts between the two Cypriot sides since May 2000, and on contacts in Jakarta between the two parties arranged with the assistance of the Facilitators (see Section E-6). It noted that both sides had affirmed their full support to the Proximity Talks which are being held between the two Leaders, in accordance with the United Nations Security Council resolutions, that they had underlined the importance of good will and expressed their hopes that the Talks would be fruitful. It also noted that the parties had expressed the wish that the process of contacts at the IPU be continued on the occasion of the Havana meetings, in April 2001.

## **11. GENDER PARTNERSHIP GROUP**

The Council took note of the report on the deliberations and recommendations of the Gender Partnership Group, presented to it by Mr. M.P. Tjitendero (Namibia) (see Section E-7). It noted the Group's appeal to develop a culture of gender parity and partnership, particularly by educating boys and girls. It took note of an encouraging change with regard to the presence of women in delegations to IPU Meetings and in the Union's main bodies over the past three years. It further took note of the provisional results of the consultation of all IPU members, which had been undertaken by the Group, as well as that body's intention to pursue the consultation in order to give all members an opportunity to express themselves, with a view to submitting a more detailed report to the Council in 2001.

## **12. PROGRAMME AND BUDGET FOR THE YEAR 2001**

On 21 October, the Council considered the Executive Committee's proposals for the program and budget of the Union for 2001, presented by Mr. H. Gjellerod (Denmark), Rapporteur of the Executive Committee. In his presentation Mr. Gjellerod gave a succinct account of the Union's present financial situation arising from the US contribution being in arrears since 1997. He stated that if the US continued defaulting on payment, the liquidity of the Working Capital Fund would only amount to some 20 percent of the annual budget by the end of 2001. Despite that likelihood, the Union was obliged to continue to assess the US for contributions to the budget since,

under the Statutes, the US Congress remained a member of the Union. Moreover, it was imperative that the Union maintain its present level of activities. He also informed the Council that the Executive Committee was looking into the possibility of revising the scale of assessments and exploring additional funding sources. The budget which the Executive Committee was proposing would not lead to an increase in the member parliaments' contributions from their current level. The Executive Committee had noted that economies realised in the implementation of the current year's budget could result in savings representing 4% of the total appropriations.

The Council unanimously approved the budget and table of contributions proposed by the Executive Committee for the year 2001 (see Annexes J-4 and J-5).

### **13. CONSTRUCTION OF A NEW HEADQUARTERS BUILDING FOR THE UNION IN GENEVA**

The Council had before it a progress report on the construction of the new headquarters building for the Union. It noted that from among five architectural projects, the one submitted by the firm of architects Brauen & Wälchli of Lausanne, Switzerland had been selected by a panel on which the IPU was represented by Mr. I. Fjuk (Estonia) and by the Secretary General. Since then a building committee composed of the architects and representatives of the IPU Secretariat and the Geneva-based Building Foundation for International Organisations (FIPOI) had held weekly meetings to finalise the building plans in order to ensure that they conformed to all aspects of the needs defined by the IPU Council. A request for the building permit had been submitted to the Geneva cantonal authorities on 13 October 2000. The request for the building loan of SF.9.5 million was to be submitted to the Swiss federal authorities shortly. The construction work was expected to start at the beginning of 2001 and to be completed in April 2002 or thereabouts. At the present stage of building plans it appeared that the final cost could somewhat exceed the approved limit of SF.9.5 million and a tender procedure would be followed to select firms for construction work and installations in order to keep the costs at the lowest. Should it appear that the final cost was still likely to exceed the approved ceiling, certain sections of the existing building that would not be required to meet the short to medium term needs, would not be fully renovated and refurbished.

### **14. QUESTIONS RELATING TO THE STATUTES AND RULES**

The Council decided to present to the Conference for adoption two amendments to the Statutes proposed by the Executive Committee, as follows: to amend Article 6 of the Statutes changing the date for submission of annual reports by the member parliaments from the end of March to the end of January and to amend Article 27.3 of the Statutes replacing the provision that the budget of the Association of Secretaries General of Parliaments shall be part of the Budget of the IPU by a provision stating that the IPU shall make an annual contribution towards the budget of the ASGP.

The Council was informed by its President of the Executive Committee's deliberations on its proposals for a wider revision of the Statutes aimed at reflecting better in the Statutes the fact that the IPU was an organisation of national parliaments. She recalled that those amendments had arisen out of discussions held with a very large number of parliaments over the last couple of years and with many Speakers of parliament in the context of preparing for the Conference of Presiding Officers of National Parliaments. Concerns had been expressed that the current wording of the Statutes did not reflect the evolution that the organisation has undergone these last 100 years and that it made it difficult to distinguish the IPU from so many other organisations that, like the Union, were not intergovernmental. The amendments had been submitted to the Council in Amman and subsequently circulated to all members. While no sub-amendments had been submitted, some

members had expressed reservations and one geopolitical group had asked that consideration of the matter be postponed.

The Executive Committee was convinced that amendments of such a fundamental nature should be approved by all the members and therefore wished to study the matter further with a view to finding a consensus. The Council decided to postpone its deliberations on the amendments and requested the Executive Committee to examine possible sub-amendments that could satisfy all the members of the Organisation at its additional session in New Delhi in December 2000 and to place the matter before the Council and then the Conference in Havana for a final decision.

#### **15. FUTURE INTER-PARLIAMENTARY MEETINGS**

The Council approved the agenda of the 105<sup>th</sup> Inter-Parliamentary Conference to be held in Havana (Cuba) in April 2001 and the list of organisations invited to attend as observers (see Annexes I-1 and I-2).

The Council accepted the invitation of the Parliament of Uruguay to host the 108<sup>th</sup> Conference of the IPU in the latter part of 2002 and welcomed the invitation of the Parliament of Chile to host a statutory conference at the earliest available opportunity.

The Council approved a request by the Dutch Ministry of Foreign Affairs that the IPU help organise a parliamentary session on the occasion of the Second Global Forum on Fighting Corruption to be held in The Hague in May 2001. It also approved the proposals of the Committee for Sustainable Development concerning the modalities and practical arrangements for the holding of the Parliamentary Meeting on International Trade in Geneva in mid-2001 which it had authorised at its previous session and took note that the exact dates for the meeting would be determined following consultations with the World Trade Organisation.

It approved the inclusion of the following specialised meetings in the programme for 2001: (i) Parliamentary Meeting on the occasion of the Third United Nations Conference on the Least Developed Countries (LDC-III), (ii) Seminar for French-speaking Parliaments in Africa on "*Parliament and the budgetary process, including from the gender perspective*", organised under the IPU/UNDP Parliamentary Support Programme and (iii) Parliamentary Meeting on the occasion of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

The Council took note of the calendar of future meetings and other activities (see Annex I-3).

### **C. 231<sup>st</sup> SESSION OF THE EXECUTIVE COMMITTEE**

The Executive Committee held its 231<sup>st</sup> session in Jakarta on 12, 13, 14, 19 and 20 October 2000. Mr. M. Tjitendero chaired the meeting of 12 October as the President of the Committee, Dr. N. Heptulla, was unable to be present. Dr. Heptulla chaired the meetings of 13, 14, 19 and 20 October.

The following members and substitutes took part in the session: Mrs. S. Finestone (Canada), Mr. I. Fjuk (Estonia), replaced on 19 and 20 October by Mr. M. Nutt, Mr. M.P. Tjitendero (Namibia), Mr. F.S. Tuaimah (Jordan), Mrs. T.V. Yariguina (Russian Federation), Mr. G. Carvajal Moreno (Mexico) substituting for Mr. F. Solana who is no longer a member of parliament, Mr. J. Máspoli (Uruguay) substituting for Mr. J. Trobo who has ceased to exercise his mandate as a parliamentarian since becoming a government minister, Mr. J. Kami (Gabon) substituting for Mr. G. Nzouba-Ndama and Mr. D. D'Hondt (Belgium) substituting on 19 and 20 October for Mr. G. Versnick who was unable to attend the session. Mr. R. Roco (Philippines) was also 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. The other matters considered by the Executive Committee may be summarised as follows.

The Executive Committee considered a communication from the Speaker of the Palestine National Council renewing an earlier request for membership of the IPU. The request was later withdrawn after consultations between the Palestinian delegation and the Council President and the Secretary General.

The Executive Committee noted the fact that three IPU Members, those of Malawi, Togo and the USA had been in arrears in the payment of their contributions for the past two years and were therefore deprived of their voting rights.

The Committee expressed its views on the granting of observer status at statutory conferences. It was unable to entertain a request for observer status from the West African Economic and Monetary Union (WAEMU), on the grounds that until the IPU reform process had reached its conclusion, all requests for such status should be held in abeyance. It also agreed to discontinue the observer status of the Asian-Pacific Parliamentarians' Union (APPU), which had not maintained any contact with the Union for considerably more than a decade. The decision was endorsed by the Council.

Another item concerned the possible authorisation to use the IPU logo. One geopolitical group had asked to use the IPU logo as part of its own, and a member of the Coordinating Committee of Women Parliamentarians had asked to use the IPU women's programme logo on a Web site established for their region. The Executive Committee examined a report that had been prepared by the Secretary General following his consultations with legal counsellors at the United Nations, the World Intellectual Property Organisation, the World Health Organisation and the Food and Agriculture Organisation. It authorised the Secretary General to submit a request to the World Intellectual Property Organisation for the IPU name, logo and flag to be protected under Article 6 of the Paris Convention for the Protection of Industrial Property, and asked him to draft guidelines for the IPU on this subject for discussion at a future session. It decided to refrain from authorising the use of the logo, requesting the Secretary General to discover whether a distinct logo could be developed that could be used not only by the geopolitical group concerned but also, suitably modified, by other geopolitical groups. As regards the request to use an IPU logo on a Web site, the Executive Committee decided not to authorise such use and to encourage the use of hyperlinks to the IPU website.

The Executive Committee discussed a request that many members of parliament had addressed to it to the effect that the IPU nominate the European Court of Human Rights for the Nobel Peace Prize, in keeping with the IPU's membership of a select class of organisations which

are entitled to submit nominations for that Prize. The IPU having consistently refrained from exercising this right, the Executive Committee recommended that the policy be maintained.

## **D. FOURTH MEETING OF WOMEN PARLIAMENTARIANS AND ITS COORDINATING COMMITTEE**

The women parliamentarians met in Jakarta on Sunday, 15 October with Ms. Iris Indira Murti, Member of the Indonesian House of Representative in the Chair. Along with some men MPs, 110 women MPs attended, from the delegations of the following 78 countries: Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Botswana, Burkina Faso, Cambodia, Canada, China, Congo, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Finland, Gabon, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Mozambique, Namibia, Nepal, Netherlands, Nigeria, Norway, Poland, Portugal, Republic of Korea, Russian Federation, Rwanda, San Marino, Slovakia, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Uruguay, Viet Nam, Yemen and Zambia. Representatives of Palestine, of the Parliamentary Assembly of the Council of Europe and of the International Committee of the Red Cross (ICRC) also attended the proceedings.

The meeting was opened by the President of the Coordinating Committee of Women Parliamentarians, Ms. V. Furubjelke. In her speech, Ms. Furubjelke proposed sending a message of support and solidarity to Mrs. Aung San Suu Kyi, the leader of the opposition in Myanmar; the message was endorsed by the Coordinating Committee and then by the plenary meeting. Dr. N. Heptulla then took the floor for a brief address. The Meeting was also addressed by Mr. A. Tandjung, Speaker of the Indonesian House of Representatives.

The Rapporteur for the Coordinating Committee, Mrs. J. Crosio (Australia), presented a report on the work of the Committee. That report was followed by a briefing by the Moderator and Rapporteur of the Gender Partnership Group, Speaker M. P. Tjitendero (Namibia), on the results of the consultation launched by the Group on possible measures to improve women's participation in IPU delegations and ways to ensure a true partnership between men and women in all of IPU's structures and activities. These issues gave rise to a lively debate.

The participants went on to discuss at length their contribution to item 5 of the Conference agenda "*Financing for development and a new paradigm of economic and social development to eradicate poverty*". Ms. M. Xavier, from Uruguay and Ms. F. Aya, from Nigeria, were entrusted with preparing, in consultation with the Officers of the Coordinating Committee and the President of the Meeting of Women Parliamentarians, a draft resolution for submission to the 104<sup>th</sup> Conference on behalf of the Meeting of Women Parliamentarians. The draft was then submitted to the Third Committee. Participants also urged that, to the extent possible, the authors be involved in the work of the corresponding drafting Committee; this was indeed the case for one of them.

The Meeting also provided an opportunity to examine the results of the "Beijing +5" Special Session of the United Nations General Assembly (5-9 June 2000) together with the results of the IPU-UNDAW (United Nations Division for the Advancement of Women) Tripartite Consultation on "*Democracy through Partnership between Men and Women*" (7 June 2000), which took place in New York on the occasion of the Special Session. The discussions focused on follow-up action, based on the *Twelve suggestions for parliamentary follow-up to Beijing+5* that can be found in Annex J-2.

Participants also discussed the ratification status of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, adopted by the

United Nations General Assembly in October 1999. They appealed to all Parliaments concerned to take action with a view to the ratification of these two key documents.

Women parliamentarians also elected the substitute member of the Eurasia Group, Mrs. F. Ziatdinova of the Russian Federation to the Coordinating Committee of Women Parliamentarians.

The Coordinating Committee of Women Parliamentarians met on 15 and 20 October, with Mrs. V. Furubjelke, its President, in the Chair. The Committee discussed ways to provide fresh impetus to the Meeting of Women Parliamentarians and its own Committee. Particular attention was given to means of integrating the work and vision of women MPs more fully in the Union. The Committee also discussed several new initiatives to enliven the debate in the Meeting of Women Parliamentarians and proposed to implement some of them, if possible at the next Meeting in Havana. The Committee also assessed the results of the Jakarta Inter-Parliamentary Meetings as they concerned women. Finally, it decided that, in Havana, the Meeting of Women Parliamentarians would focus on "*Securing observance of the principles of international law in the interests of world peace and security*", which will be discussed by the First Committee at the 105<sup>th</sup> Conference.

## E. SUBSIDIARY BODIES AND COMMITTEES OF THE IPU COUNCIL

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

Representatives of the parties to the Inter-Parliamentary Process of Security and Cooperation in the Mediterranean (CSCM) pursued their consultations at the Jakarta Inter-Parliamentary Meetings.

On Tuesday, 17 October, the CSCM Coordinating Committee met to prepare the seventeenth meeting of the parties to the process. All of the Committee members, with the exception of the representatives of Slovenia and Spain, were present at the session: Egypt, France, Italy, Malta, Morocco, Syrian Arab Republic and Tunisia. The representative - a parliamentarian from Cyprus - of the Mediterranean Women Parliamentarians' Task Force, established at the Third CSCM in Marseilles in March/April 2000, was also invited to attend. The session was chaired by Mr. M. Vauzelle, followed by Mr. J. Baumel, both from the French delegation.

On Wednesday, 18 October 2000, the parties to the process then held their plenary meeting. The session was chaired by Mr. M. Vauzelle (France), and virtually all of the representatives of the parties to the process<sup>4</sup> took part in the proceedings, which were also followed by observers from Germany and Switzerland:

- ♦ *Main participants:* Algeria, Cyprus, Egypt, France, Italy, Jordan, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Portugal, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia and Turkey;
- ♦ *Associate participants:* Russian Federation, United Kingdom, Palestine, Arab Inter-Parliamentary Union, Maghreb Consultative Council.

The parties to the process agreed to enlarge the membership of the Coordinating Committee to include a representative from Algeria and *ex officio* the representative of the Mediterranean Women Parliamentarians' Task Force.

The latter body held its third session in Jakarta and plans to act as a think tank for Mediterranean women with a view to strengthening the CSCM process within the Union.

Against the backdrop of current events in the Middle East, the participants discussed the future of the CSCM process within the Inter-Parliamentary Union. They agreed unanimously that the IPU's CSCM process provides a unique forum for dialogue and that it is essential to maintain it, particularly in the present political context. While aware of the existence of the Euro-Med process and the Conference of Presidents of the Parliaments of the Euro-Mediterranean region, the participants were also unanimous in upholding the eventual establishment of a parliamentary assembly of Mediterranean States, and agreed that the IPU afforded the best framework in which to reflect on the mission of such an assembly, its structure and the procedure for establishing it.

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<sup>4</sup> Parties to the CSCM process:

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

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

They made a start on substantive discussions on the subject, on the basis of working documents submitted by the Maltese House of Representatives, the representative of the Women's Task Force, as well as a document prepared by the Secretary General. The parties however expressed the wish that, in view of the complex nature of the question, the ad hoc Committee, which had been unable to meet as planned in Valletta in July 2000, could do so on 19 and 20 January 2001 for an in-depth debate. The composition of this body is identical at present to that of the Coordinating Committee. The Committee will be required to prepare proposals for submission to the parties to the process at the Havana Inter-Parliamentary Meetings in April 2001. The Maltese House of Representatives has graciously offered to bear virtually all the costs of the session, particularly the interpretation costs, and the Council subsequently authorised the holding of this session.

## **2. COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS**

The Committee held its 91<sup>st</sup> session from 15 to 20 October 2000 in Jakarta. The session was chaired by Mr. H. Etong (Cameroon), Vice-President of the Committee and attended by Mr. J.P. Letelier (Chile) and Mrs. M.G. Grazia Daniele-Galdi (Italy), titular members. Mrs. A. Clwyd (United Kingdom), attended the session in her capacity as substitute member.

The Committee held eight *in camera* meetings during which it studied 48 cases concerning 184 serving or former parliamentarians from 28 countries in all regions of the world. Taking advantage of the presence in Jakarta of delegations from several of the countries concerned, the Committee, in keeping with its consistent practice, conducted 12 *in camera* hearings. In addition, it asked its members individually to seek information from other delegations attending the 104<sup>th</sup> Conference regarding several cases before it.

The Committee had before it six new cases from five countries which were under consideration for the first time. It carefully examined the allegations and information submitted to it and declared four of the cases admissible, while keeping the decision on admissibility pending on the remaining two. It decided to submit a report and recommendations to the Council of the Inter-Parliamentary Union concerning the cases of 133 serving or former members of Parliament in the following 16 countries: Argentina, Belarus, Burundi, Cambodia, Colombia, Djibouti, Ecuador, Gambia, Guinea, Honduras, Malaysia, Myanmar, Pakistan, Republic of Moldova, Sri Lanka and Turkey (see also Section B.6 and Annexes K-1 to K-20). On the Committee's proposal, the Council decided to close one case regarding a parliamentarian in Burundi.

## **3. COMMITTEE FOR SUSTAINABLE DEVELOPMENT**

The Committee for Sustainable Development held a subsidiary meeting in Jakarta, attended by the titular and substitute members of the Committee present at the 104<sup>th</sup> Conference. Under the chairmanship of Mr. P. Günter (Switzerland), Mr. B. Boukernous (Algeria), titular member, Mr. I.C. Corâci (Romania), Mr. G.B. Bukenya (Uganda), Mr. S.E. Nahum (Benin), and Mr. F. Tingogoy (Indonesia), all of them substitute members, discussed all activities connected with sustainable development that will be undertaken by the Inter-Parliamentary Union in the forthcoming months and in 2001.

The Committee noted with satisfaction the fact that a Third Round Table of Parliamentarians on the Convention to Combat Desertification would be held in Bonn, Germany, on 12 and 13 December 2000 under the auspices of the Secretariat of the Convention, on the occasion of the Conference of Parties to the Convention. Through the intermediary of the Union, parliamentarians from a certain number of countries concerned by desertification have been asked by the Convention Secretariat to consider at the Round Table various aspects of the implementation of the Convention.

The Committee went on to review the activities that the Inter-Parliamentary Union is planning to organise in 2001 in the sphere of sustainable development. First, there will be a parliamentary meeting on the occasion of the Third United Nations Conference on the Least Developed Countries which the United Nations is holding in Brussels from 14 to 20 May 2001. The Secretariat for the Conference will be provided by UNCTAD and it will be held on the premises of the European Parliament. The Inter-Parliamentary Union is planning to contribute to this important United Nations summit by calling for the broadest possible parliamentary participation. Contacts have been made with the European Parliament in order to lend greater structure to that participation and the final arrangements for the meeting will be decided upon by the Committee for Sustainable Development at its annual session in March 2001, for approval by the Council in Havana.

Members of the Committee then discussed the preparations for a parliamentary conference on trade which is planned for the first half of 2001 in Geneva, in keeping with the decision taken by the Council in Amman (May 2000). Since the Parliamentary Meeting in Bangkok in February 2000, talks have been under way with the World Trade Organization for the purposes of the meeting. The European Parliament expressed the wish to contribute to it and discussions are under way with that institution in order to determine the final form of its contribution. The Committee for Sustainable Development welcomed the initiative between the Union and the WTO and it will examine the preparations for the meeting in detail at its main session in March 2001.

#### **4. COMMITTEE ON MIDDLE EAST QUESTIONS**

The Committee met on 19 October under the presidency of Mr. Y. Tavernier (France), in the absence of Mr. C. E. Ndebele (Zimbabwe) who is no longer a member of parliament. The other titular members present were Mr. A. Philippou (Cyprus) (Rapporteur) and Mrs. A.O. Starrfelt (Norway). Mr. J. Mensah (Ghana) attended the meeting as a substitute member.

The Committee expressed its regret at the absence of the delegation of Israel at the 104<sup>th</sup> Conference, especially in the light of the latest developments in the Middle East region. The Committee noted that it was meeting at a particularly crucial juncture of the peace process. It associated itself unanimously with the resolution adopted by the 104<sup>th</sup> Conference entitled "*Bringing an end to the tension and violence in the Middle East, protecting civilians in accordance with the Fourth Geneva Convention, and action to save the peace process in accordance with the relevant United Nations resolutions*".

The Committee, after an exchange of views with the representative of Palestine, decided to request the Council of the Inter-Parliamentary Union to ask the Secretary General to explore the possibility of organising, in the following weeks, an urgent meeting with members of the Knesset, the Palestinian Legislative Council and the Palestine National Council, as a means to provide a parliamentary voice in support of the peace process.

#### **5. COMMITTEE TO PROMOTE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW**

The Committee, which is formed of the Officers of the Second Committee of the IPU Conference, met in Jakarta on 16 and 21 October under the chairmanship of Mr. T. Nonô (Brazil). Ms. B. Mugo (Kenya) and Mr J. McKiernan (Australia), Vice-Presidents of the Second Committee, took part in the session. The Committee's report, presented to the Council by Ms. Mugo, the newly elected President of the Second Committee, noted the status of the ongoing survey on parliamentary action on three issues: respect for IHL, anti-personnel mines and the International Criminal Court. It stated that the Committee decided to lend fresh impetus to the survey via a more focused and updated questionnaire, and present fresh survey results to the

Council in 2001. In the meantime, the report includes a data sheet on the ratification status of a number of treaties and other issues, to serve as a reference in national parliaments.

The report further drew attention to the IPU/ICRC Handbook for Parliamentarians on *Respect for International Humanitarian Law*, produced at the Committee's initiative, and stated that since its launching in Berlin in October 1999, various parliaments and institutions had had it translated into their national language: the Handbook already exists in English, French, Spanish, Arabic, Russian, Japanese, Serbian, and Indonesian; the Hindi, Portuguese, German and Hebrew versions are to be released shortly. In its report, the Committee thanked all those parliaments and organisations that had arranged for these translations, noted that such initiatives were crucial to ensure wider distribution of the Handbook, and appealed for translation into other languages. The Indonesian version was handed to the Speaker of the Indonesian House of Representatives on the occasion of a press conference held on 20 October and attended by the President of the Council and the Committee members, together with representatives of the ICRC as well as the army, the police, the Ministry of Justice and the National Commission on Human Rights of Indonesia.

The Committee appealed to parliaments to take action to ratify the 1980 Convention on Certain Conventional Weapons before the Review Conference that is due to take place in 2001. Likewise, it urged them to ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, that was open for signature and ratification in May 2000, so that it may become effective as soon as possible. The report also draws attention to the question of anti-personnel mines and that of the International Criminal Court.

The Committee welcomed the consultations held during this 104<sup>th</sup> IPU Conference to organise a Pan-African Conference on International Humanitarian Law some time in 2002, and hoped that this initiative would materialise.

In their capacity as Officers of the Second Committee, the members began work, together with the Office of the United Nations High Commissioner for Refugees, on the preparation of a handbook on international refugee protection which they intend to present to the Council in 2001, the year of the 50<sup>th</sup> anniversary of the corresponding Convention.

## **6. GROUP OF FACILITATORS FOR CYPRUS**

On the occasion of the Jakarta IPU Meetings, on 17 October, the Facilitators for Cyprus arranged for a dialogue between the representatives of Greek Cypriot political parties attending the 104<sup>th</sup> IPU Conference as delegates of the House of Representatives and representatives of the Turkish Cypriot political parties. The discussions were smooth and friendly even though they touched upon very important issues. This dialogue was followed by a very convivial dinner as has now become a tradition. The two sides alternate invitations, and this time the dinner was hosted by the Turkish Cypriots. The dinner provided an opportunity to further the discussions and enhance personal contacts. Both sides commented positively on the successful inter-communal cultural festival held at Ledra Palace on 8 September with some 4000 people from each community. The Facilitators expressed the view that this type of event helped to build bridges between the two communities and should indeed be repeated and encouraged. They were very pleased to hear both sides affirming their full support to the Proximity Talks which are being held between the two Leaders, in accordance with the United Nations Security Council resolutions. Both sides underlined the importance of good will and expressed their hope that the talks would be fruitful. The Facilitators also welcomed the fact that meetings of the political parties, coordinated by the Slovak Ambassador, were now held on a regular basis at Ledra Palace, and they expressed their earnest hope that this practice would be continued. The two Cypriot sides having agreed on the importance of continuing regular meetings of political parties, both in Cyprus and on the occasion

of IPU Statutory Meetings, the Facilitators expressed readiness to further this dialogue during the Havana IPU Meetings, in April next. The Council later agreed.

## 7. GENDER PARTNERSHIP GROUP

The Gender Partnership Group met on 13 and 14 October. The Group was composed of Mr. M.P. Tjitendero (Namibia), Mrs. T.V. Yariguina (Russian Federation), Mrs. S. Finestone (Canada) and Mr. R. Roco (Philippines); the two latter persons were appointed by the Executive Committee in Jakarta and Mr. Roco was finally unable to attend the session. In conformity with its mandate, the Group considers ways to ensure that all of IPU's activities respond equally to the requirements of both halves of the population and bring into play the talents of both its male and female members.

In its report presented to the Council on 21 October by Mr. Tjitendero, the Group declared that it was *"convinced that a genuine partnership is in the interests of men and women individually and of society as a whole"*. It stressed that *"gender parity does not only refer to the empowerment of women, but it embraces issues of social, economic and political concern"*. It stated that true gender equality could only be achieved if both women and men joined forces to *"break the barriers of the age-old belief that, because they are different and should have different roles to play, they have an unequal position in society"*. It advocated starting education in the equality of women and men as early as possible, and believed that a social dynamic of this kind must percolate through all the activities of the IPU, including the current reform of the Organisation.

The report analyses changes in the composition of delegations to IPU Meetings since it was established in September 1997 and notes an encouraging development: the number of all-male delegations has declined by more than half in three and a half years and accounted for 15% of the delegations present in Jakarta. It also covered changes in women's participation in the main IPU bodies since October 1997.

Lastly, the report sets out the provisional results of the consultation of all IPU members with regard to measures to achieve a better gender balance in the Union's work. It concludes: *"Considering the number of replies received, and from a purely quantitative point of view, the Gender Partnership Group could already submit some specific proposals to the IPU governing bodies resulting from the consultation. However, on such issues, quality should be given precedence over quantity. It therefore wishes to pursue the consultation and deepen its reflection on the issues raised, especially in the comments and suggestions attached to the replies, a summary of which will be found in Annex III. The material received is very rich and thought provoking. It highlights the fact that the question of women's participation in IPU's work relates to greater balance in the participation of men and women in national politics, which is a complex societal issue."* Deeming it crucial that all members take the opportunity to express themselves on these issues, the Group said that it was pursuing its consultation and would submit a more complete report to the Council on the occasion of the Inter-Parliamentary Meetings in 2001. For that report, it intended to ask the women MPs how they saw their participation in the IPU, why and how they had joined a delegation, and why some only attended a Conference once.

## **F. MEMBERSHIP OF THE UNION AS OF 21 OCTOBER 2000**

### **Members (140)**

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, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

### **Associate Members (5)**

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

## **G. ELECTIONS AND APPOINTMENTS**

### **1. OFFICE OF PRESIDENT OF THE 104<sup>th</sup> CONFERENCE**

Mr. Akbar Tandjung, Speaker of the House of Representatives of the Republic of Indonesia was elected President of the Conference.

### **2. OFFICE OF VICE-PRESIDENT OF THE EXECUTIVE COMMITTEE**

The Executive Committee elected Mr. M. P. Tjitendero (Namibia) as its Vice-President for a one-year term.

### **3. EXECUTIVE COMMITTEE**

At its sitting on 21 October, the Council elected Mrs. Z. Rios Montt Sosa (Guatemala) and Mr. M. J. Al-Hamad Al-Saquer (Kuwait) to four-year terms as members of the Executive Committee.

The Council also elected Mr. W. Abdala (Uruguay) and Mr. N. Enkhbold (Mongolia) to complete the terms of Mr. J. Trobo (who has ceased to exercise his mandate as a member of parliament since becoming a minister in the government of Uruguay) and Mr. L. Bold (who is no longer a member of parliament) respectively; both terms are to end in September 2003.

### **4. STUDY COMMITTEES OF THE INTER-PARLIAMENTARY CONFERENCE**

At its sitting on 19 October the Second Committee (*Committee on Parliamentary, Juridical and Human Rights Questions*) elected Mrs. B. Mugo (Kenya) as its President and Messrs. J. McKiernan (Australia) and R. Vazquez (Argentina) as Vice-Presidents.

At its sitting on 20 October the Third Committee (*Committee on Economic and Social Questions*) elected Mr. M. Gudfinnsson (Iceland) as its President and Messrs. B. Boukernous (Algeria) and Seung-Soo Han (Republic of Korea) as Vice-Presidents.

### **5. COORDINATING COMMITTEE OF WOMEN PARLIAMENTARIANS**

At its meeting on 15 October 2000, the Meeting of Women Parliamentarians elected Mrs. F. Ziatdinova (Russian Federation) to a two-year term as a substitute member of the Coordinating Committee of Women Parliamentarians, representing the Eurasia Group.

### **6. CSCM COORDINATING COMMITTEE**

The membership of the Coordinating Committee was enlarged to include Algeria, represented by Mr. A. Si Afif, and *ex officio*, a representative of the Mediterranean Women Parliamentarians' Task Force, Ms. A. Vassiliou (Cyprus), for a two-year term.

### **7. COMMITTEE FOR SUSTAINABLE DEVELOPMENT**

At its sitting on 21 October the Council elected Messrs. J. Wagner (Brazil) and E. S. Nahum (Benin) to four-year terms as titular members of the Committee.

**8. COMMITTEE ON MIDDLE EAST QUESTIONS**

At its sitting on 21 October, the Council elected Mrs. P. Chagsuchinda (Thailand) and Mr. R. Ahouandjinou (Benin) as titular members and Mrs. B. Ray (India) and Mr. P. Osusky (Slovakia) as substitute members, in all cases to four-year terms. Earlier, on 19 October, the Committee elected Mr. Y. Tavernier (France) as its President for a one-year term.

**9. GENDER PARTNERSHIP GROUP**

On 13 October, the Executive Committee appointed Mrs. S. Finestone (Canada) and Mr. R. Roco (Philippines) to replace Mrs. B. Imiolczyk (Poland) and Mr. F. Solana (Mexico) who are no longer members of the Executive Committee.

**10. AUDITORS FOR THE ACCOUNTS OF THE YEAR 2000**

At its sitting on 21 October the Council appointed Mrs. B. Mbete (South Africa) and Mr. I. Fjuk (Estonia) as auditors for the accounts.

**11. ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS**

Mrs. A. Sa Carvalho, Secretary General of the Parliament of Portugal, was elected President of the ASGP.

**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 16 October to choose the supplementary item from among the four 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 Italy  
for the inclusion of a supplementary item entitled  
**"ACTION BY PARLIAMENTS TO HALT THE USE OF MINORS IN MILITARY OPERATIONS"**

**R e s u l t s**

Affirmative votes ..... 711      Total of affirmative and negative votes ..... 1076  
Negative votes ..... 365      Two-thirds majority ..... 717  
Abstentions ..... 310

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria			14	Ethiopia		16		Mauritania	absent		
Andorra	8		2	Finland	8		4	Mexico		19	
Angola		12		France	17			Monaco	10		
Argentina		15		Gabon			11	Mongolia	11		
Australia	10		3	Germany		19		Morocco	14		
Austria	12			Ghana	13			Mozambique	7	6	
Bangladesh	20			Greece	13			Namibia			11
Belarus	8		5	Guatemala		12		Nepal			14
Belgium	12			Guinea	12			Netherlands	13		
Benin			11	Guinea-Bissau	10			New Zealand		11	
Bosnia and Herzegovina	11			Hungary	10			Nigeria			20
Botswana			11	Iceland		10		Norway			11
Brazil		20		India	23			Philippines	18		
Bulgaria	12			Indonesia	15	7		Poland	15		
Burkina Faso		12		Iran (Islamic Republic of)	17			Portugal	6		6
Cambodia	13			Iraq		14		Republic of Korea	16		
Cameroon	absent			Ireland	11			Romania	10		4
Canada	14			Italy	17			Russian Federation	10		10
Chile		13		Japan			20	Rwanda	12		
China	13		10	Jordan			11	Samoa	10		
Colombia	absent			Kazakhstan	6		7	San Marino	10		
Congo		11		Kenya		14		Sao Tome and Principe			10
Costa Rica		11		Kuwait			11	Singapore	11		
Croatia	11			Lao People's Dem. Republic	5		6	Slovakia	12		
Cuba		13		Latvia	11			South Africa		16	
Cyprus	10			Liberia	absent			Spain	15		
Czech Republic	13			Libyan Arab Jamahiriya	11			Sweden		12	
DPR of Korea			14	Lithuania	11			Switzerland	12		
Denmark		12		Luxembourg	absent			Syrian Arab Rep.			13
Djibouti	5		5	Malaysia	14			Tajikistan	12		
Ecuador		10		Mali		12		Thailand	18		
Egypt		18		Malta	10			The FYR of Macedonia	7		4
El Salvador		12						Tunisia	6		6
Estonia	11										

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

Turkey	12		6	United Kingdom			17	Zimbabwe	6	4	
Uganda			13	Uruguay		11					
Ukraine	10			Viet Nam	11		7				
United Arab Emirates		11		Yemen			13				
				Zambia		12					

**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 16 October to choose the supplementary item from among the four 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 Algeria (on behalf of parliaments of Arab countries)  
for the inclusion of a supplementary item entitled

**"THE ROLE OF PARLIAMENTARIANS IN THE PEACEFUL SETTLEMENT OF REGIONAL DISPUTES  
WITH A VIEW TO ESTABLISHING WORLDWIDE PEACE AND SECURITY"**

**R e s u l t s**

Affirmative votes .....	537	Total of affirmative and negative votes .....	1028
Negative votes .....	491	Two-thirds majority .....	685
Abstentions .....	358		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria	14			Estonia		11		Mali	6		6
Andorra	5		5	Ethiopia		16		Malta	10		
Angola		12		Finland		8	4	Mauritania	absent		
Argentina		15		France	17			Mexico		19	
Australia	7		6	Gabon			11	Monaco			10
Austria		12		Germany			19	Mongolia			11
Bangladesh	20			Ghana	13			Morocco	14		
Belarus	13			Greece	6	7		Mozambique		13	
Belgium			12	Guatemala		12		Namibia		11	
Benin	11			Guinea	12			Nepal	7		7
Bosnia and Herzegovina	11			Guinea-Bissau	10			Netherlands		13	
				Hungary			10	New Zealand		11	
Botswana			11	Iceland		10		Nigeria			20
Brazil		20		India			23	Norway		11	
Bulgaria	12			Indonesia	22			Philippines			18
Burkina Faso	6		6	Iran (Islamic Republic of)		17		Poland	8	7	
Cambodia	13							Portugal	6		6
Cameroon	absent			Iraq	14			Republic of Korea	8		8
Canada		14		Ireland	4	7		Romania			14
Chile		13		Italy			17	Russian Federation	20		
China	23			Japan			20	Rwanda		12	
Colombia	absent			Jordan	11			Samoa		10	
Congo		11		Kazakhstan	8		5	San Marino			10
Costa Rica		11		Kenya		14		Sao Tome and Principe			10
Croatia	11			Kuwait	11			Singapore	11		
Cuba		13		Lao People's Dem. Republic	11						
Cyprus	6		4	Latvia			11	Slovakia	4		8
Czech Republic		13						Liberia	absent		
DPR of Korea	14			Libyan Arab Jamahiriya	11			Spain		15	
Denmark		12						Lithuania		11	
Djibouti	10			Luxembourg	absent			Switzerland			12
Ecuador		10		Malaysia		14		Syrian Arab Rep.	13		
Egypt	18							Tajikistan			12
El Salvador		12						Thailand	18		

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

The FYR of Macedonia	11			Ukraine		10		Viet Nam	12		6
Tunisia	12			United Arab Emirates	11			Yemen	13		
Turkey	9		9	United Kingdom			17	Zambia		12	
Uganda		13		Uruguay		11		Zimbabwe			10

**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 16 October to choose the supplementary item from among the four 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 South Africa  
for the inclusion of a supplementary item entitled  
**"RESPONDING TO NATURAL DISASTERS IN DEVELOPING COUNTRIES"**

**Results**

Affirmative votes .....	903	Total of affirmative and negative votes .....	1158
Negative votes .....	255	Two-thirds majority .....	772
Abstentions .....	228		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria	14			Ethiopia	16			Mauritania	absent		
Andorra	9		1	Finland	12			Mexico		19	
Angola	12			France	17			Monaco			10
Argentina		15		Gabon	11			Mongolia	11		
Australia	13			Germany			19	Morocco	14		
Austria		4	8	Ghana	13			Mozambique	13		
Bangladesh	20			Greece	7	6		Namibia	11		
Belarus	7		6	Guatemala		12		Nepal	14		
Belgium			12	Guinea	12			Netherlands	13		
Benin	11			Guinea-Bissau	10			New Zealand		11	
Bosnia and Herzegovina	11			Hungary	10			Nigeria	20		
Botswana	11			Iceland	10			Norway			11
Brazil		20		India	23			Philippines	18		
Bulgaria	12			Indonesia	15	7		Poland	15		
Burkina Faso	12			Iran (Islamic Republic of)	17			Portugal	6		6
Cambodia		13		Iraq		14		Republic of Korea	16		
Cameroon	absent			Ireland	8	3		Romania	10		4
Canada	14			Italy			17	Russian Federation	10	5	5
Chile		13		Japan	20			Rwanda	12		
China	23			Jordan			11	Samoa	10		
Colombia	absent			Kazakhstan	4		9	San Marino			10
Congo	11			Kenya	14			Sao Tome and Principe	10		
Costa Rica		11		Kuwait			11	Singapore	7		4
Croatia	11			Lao People's Dem. Republic	11			Slovakia			12
Cuba		13		Latvia			11	South Africa	16		
Cyprus	6		4	Liberia	absent			Spain		15	
Czech Republic	11		2	Libyan Arab Jamahiriya	11			Sweden		12	
DPR of Korea	14			Lithuania	11			Switzerland	12		
Denmark	12			Luxembourg	absent			Syrian Arab Rep.			13
Djibouti	8		2	Malaysia	14			Tajikistan	12		
Ecuador		10		Mali	12			Thailand	18		
Egypt		18		Malta			10	The fYR of Macedonia			11
El Salvador		12						Tunisia	6		6
Estonia	11										

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

Turkey	18			United Kingdom	17			Zimbabwe	10		
Uganda	13			Uruguay		11					
Ukraine	10			Viet Nam	18						
United Arab Emirates		11		Yemen			13				
				Zambia	12						

**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 16 October to choose the supplementary item from among the four 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 Belgium  
for the inclusion of a supplementary item entitled

**"ARE EMBARGOES AND ECONOMIC SANCTIONS STILL ETHICALLY ACCEPTABLE,  
DO THEY STILL WORK, AND ARE THEY SUITED TO ACHIEVING THEIR PURPOSE  
IN AN EVER MORE GLOBALISED WORLD?"**

**R e s u l t s**

Affirmative votes .....	960	Total of affirmative and negative votes .....	1138
Negative votes .....	178	Two-thirds majority .....	759
Abstentions .....	248		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria	14			Estonia	11			Mali			12
Andorra	10			Ethiopia		16		Malta	10		
Angola		12		Finland	4	8		Mauritania	absent		
Argentina	15			France	17			Mexico	19		
Australia	10		3	Gabon			11	Monaco	10		
Austria	6		6	Germany	19			Mongolia	11		
Bangladesh	20			Ghana	13			Morocco	14		
Belarus	5		8	Greece	13			Mozambique	3		10
Belgium	12			Guatemala	12			Namibia			11
Benin	11			Guinea	12			Nepal			14
Bosnia and Herzegovina	11			Guinea-Bissau	10			Netherlands	13		
Botswana			11	Hungary	10			New Zealand	11		
Brazil	20			Iceland	10			Nigeria			20
Bulgaria	12			India	23			Norway	11		
Burkina Faso		12		Indonesia	22			Philippines	18		
Cambodia		13		Iran (Islamic Republic of)	17			Poland	15		
Cameroon	absent			Iraq	14			Portugal	8		4
Canada	10		4	Ireland	9		2	Republic of Korea	10		6
Chile	13			Italy	17			Romania	14		
China	23			Japan			20	Russian Federation	20		
Colombia	absent			Jordan	11			Rwanda	12		
Congo		11		Kazakhstan	3		10	Samoa		10	
Costa Rica	11			Kenya		14		San Marino	10		
Croatia		11		Kuwait			11	Sao Tome and Principe			10
Cuba	13			Lao People's Dem. Republic	11			Singapore		11	
Cyprus	10			Latvia	11			Slovakia	4	8	
Czech Republic	13			Liberia	absent			South Africa		16	
DPR of Korea	14			Libyan Arab Jamahiriya	11			Spain			15
Denmark	12			Lithuania			11	Sweden	12		
Djibouti	8		2	Luxembourg	absent			Switzerland	12		
Ecuador	10			Malaysia	14			Syrian Arab Rep.	13		
Egypt	10		8					Tajikistan	12		
El Salvador	12							Thailand	18		

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

The FYR of Macedonia	11			Ukraine			10	Viet Nam	16		2
Tunisia	12			United Arab Emirates		11		Yemen	13		
Turkey	18			United Kingdom			17	Zambia		12	
Uganda		13		Uruguay	11			Zimbabwe			10

**THE PREVENTION OF MILITARY AND OTHER COUPS AGAINST DEMOCRATICALLY ELECTED GOVERNMENTS AND AGAINST THE FREE WILL OF THE PEOPLES EXPRESSED THROUGH DIRECT SUFFRAGE, AND ACTION TO ADDRESS GRAVE VIOLATIONS OF THE HUMAN RIGHTS OF PARLIAMENTARIANS**

*Resolution adopted by consensus by the 104<sup>th</sup> Conference  
(Jakarta, 20 October 2000)*

The 104<sup>th</sup> Inter-Parliamentary Conference,

*Reaffirming* that the maintenance of constitutional democracy is of fundamental importance to the human rights of peoples, in particular their right to be governed by representatives that they have elected freely,

*Noting* that military and other coercive means of removing democratically elected governments strike at the very heart both of these rights and of the principles of the Inter-Parliamentary Union, and must be condemned,

*Emphasising* that the Inter-Parliamentary Union has been an active advocate of parliamentary democracy, and *recalling* that the Inter-Parliamentary Council adopted a *Universal Declaration on Democracy* in Cairo in 1997 and a *Declaration on Criteria for Free and Fair Elections* in Paris in 1994, and that these supplemented the principles of many international instruments, including the *Universal Declaration of Human Rights*,

*Convinced* that a parliament elected freely and fairly is the best guarantee of human dignity and the prosperity of citizens,

*Further convinced* that for an open democratic system to function properly, the right to vote and to stand for election, the right to form associations and parties, the right of free speech and equitable access to the media, and the right to assemble and demonstrate peacefully are essential,

*Recognising* that one of the essential means of preventing threats to democracy is to ensure the full participation of all sectors of society, including women, minorities and vulnerable groups, in democratic processes,

*Further recognising* the need to ensure the restoration of democracy in countries where the legitimate government has been overthrown and *urging* authoritarian regimes to carry out the necessary political transformation,

*Stressing* that the Inter-Parliamentary Union should play a leading role in the prevention of coups and should call on Governments to strengthen democracy, to promote human rights and to support dialogue and negotiation in the settlement of internal disputes as a way of addressing the cause of divisions that lead to attempts to overthrow democratic governments,

*Emphasising* that no comfort or encouragement should be given to those involved in the undemocratic overthrow of governments, and *recognising* the need for the international isolation of such regimes by means of effective sanctions and other appropriate practical measures, and the restoration of legitimate, democratically elected governments,

*Reasserting* that the rights of parliamentarians must be protected if they are to protect and promote human rights and fundamental freedoms in their respective countries, and *acknowledging* in this regard the successful work undertaken by the IPU Committee on the Human Rights of Parliamentarians,

#### CONDEMNATION

1. *Strongly condemns* all attempts, successful or otherwise, to overthrow democratically elected governments by military or other undemocratic means;
2. *Vigorously condemns* all individuals who abuse the human rights of parliamentarians and other citizens in the course of their involvement in military and other coups;
3. *Urges* all parliaments to exhort their respective governments to bring about the international isolation of regimes which come to power through the undemocratic overthrow of elected governments, by considering the application of effective sanctions and other practical measures;
4. *Calls on* all parliaments to adopt, where feasible, new legislation and/or constitutional amendments strictly to enforce appropriate punishment for individuals involved in the undemocratic overthrow of elected governments, particularly when violence is used and to ensure to that end that the punishment of such acts may be neither quashed nor subject to a statute of limitations;

#### PREVENTION

5. *Further calls on* parliaments to urge governments to direct the international and regional organisations to which they belong to promote a culture of democracy, good governance and democratic rights of citizens;
6. *Urges* all parliaments and governments to rise above any differences that may exist between ruling and opposition parties and to unite in resisting all attempts and actions aimed at destroying the system of parliamentary democracy by force of arms or other forcible measures;
7. *Stresses* the important and vital role of education in the formation of a democratic culture of peace and non-violence;
8. *Urges* all parliaments and governments to ensure the full and equitable participation of all sectors of society, including women, minorities and vulnerable groups, in democratic and democratisation processes;

9. *Further urges* all parliaments and governments to ensure that bodies responsible for security, particularly the security forces, are accountable both to elected civil authorities and to civil society, and that they operate in accordance with the rule of national and international law;
10. *Recommends* that all States strengthen democracy, promote human rights as well as human security and favour dialogue and negotiation in the settlement of internal disputes as a way of addressing the cause of divisions that lead to attempts to overthrow democratic governments;

ACTION BY THE INTER-PARLIAMENTARY UNION

11. *Commends* the Committee on the Human Rights of Parliamentarians for its invaluable work in defending the human rights of members of parliament, and *calls on* all member parliaments actively to support its work, particularly through appropriate follow-up action on individual cases of human rights violations suffered by fellow parliamentarians which the Committee examines under its public procedure;
12. *Urges* the IPU to play a special role through the use of the Internet (electronic mail, Web sites) and other cost-effective yet persuasive modes of mass communication, to provide a venue that encourages the early reporting of human rights violations so that parliamentarians can take swift action to protect the rights of parliamentarians and other citizens around the world;
13. *Requests* the Secretary General of the IPU to examine the feasibility of establishing a mechanism for monitoring and denouncing violations of human rights and civil liberties, and subsequently to report to the governing bodies of the IPU at their next session.

**FINANCING FOR DEVELOPMENT AND A NEW PARADIGM OF ECONOMIC  
AND SOCIAL DEVELOPMENT DESIGNED TO ERADICATE POVERTY**

*Resolution adopted without a vote by the 104<sup>th</sup> Conference  
(Jakarta, 20 October 2000)*

The 104<sup>th</sup> Inter-Parliamentary Conference,

*Recognising* that poverty is the result of various economic, political, social and institutional processes that interact with each other and may reinforce each other in ways that can make the poor even more destitute,

*Further recognising* that, more than inadequate income or human development, poverty is also vulnerability and a lack of voice, power and representation,

*Conscious* that, today, more than a billion people live in absolute poverty and have been marginalised within society, thus being denied the opportunity to participate in productive economic life, and that in particular the number of women living in poverty has increased,

*Deploring* the fact that, whereas three billion men and women live on less than two dollars a day, the official development assistance provided by the majority of rich countries has declined sharply in recent years, thereby depriving the poor countries of the means to finance their development,

*Affirming* that far too much money from the funds received for development aid goes into repaying debts, particularly in the case of heavily indebted poor countries (HIPC),

*Considering* that the private capital flows that have grown rapidly in the past two decades are concentrated in a few developing countries, leaving most of the others largely dependent on official aid,

*Noting* that the domestic savings of the poor countries are all too often invested in unproductive expenditure and are attracted by the large capital markets of the rich countries,

*Considering* that trade barriers erected by industrialised countries and between developing countries severely impair the latter's economic growth and that the resulting loss of income is more than double the total amount of development assistance,

*Convinced* that, in some developing countries, progress is hampered by a lack of good governance,

*Recalling* IPU resolutions, particularly those adopted by the 73<sup>rd</sup> Inter-Parliamentary Conference (Lomé, 1985) on the role of parliaments and their contribution towards the elimination of poverty by eliminating the burden of international debt; the 74<sup>th</sup> Inter-Parliamentary Conference (Ottawa, 1985) on the contribution of parliaments to the search for measures and actions aimed at removing the burden of foreign debt that weighs on the developing countries; the 88<sup>th</sup> Inter-Parliamentary Conference (Stockholm, 1992) on the need for a radical solution to the problem of debt in the developing world; and the 102<sup>nd</sup> Inter-Parliamentary Conference (Berlin, 1999) on the need to revise the current global financial and economic model, as well as the Final Document of the Inter-Parliamentary Conference “North-South Dialogue for Global Prosperity” organised by IPU in Ottawa in 1993,

*Approving* the solemn commitments made by the United Nations, the World Bank and the IMF to make poverty eradication and debt alleviation for the least developed countries one of the essential priorities of their activities,

*Welcoming* the preparations under way for the High-Level Intergovernmental Event on Financing for Development to be held by the United Nations in 2001, and *also welcoming* all regional initiatives that seek to combat poverty and that mobilise a large number of countries with the support of international financial institutions,

*Noting* that the Fourth World Conference on Women defined equality between men and women as a human rights issue and as a condition for the existence of social justice,

1. *Calls on* both developed and developing countries to pursue development with a human face through economic development measures such as credit facilities for small and medium-sized enterprises, small-scale financing initiatives and household debt relief, and through initiatives in fields such as the development of health and education systems and services, the protection of human rights and environmental conservation, in the interests of human security;
2. *Supports* the introduction of such new approaches to sustainable development in the context of globalisation as would ensure economic growth, environmental protection and social development, including the creation of new jobs, while preserving the resources necessary for future generations;
3. *Urges* both developed and developing countries to promote policy dialogue on development, to aim at establishing democratic systems, good governance and high standards of transparency and to acknowledge the role of civil society and NGOs;
4. *Urges* the developed countries to provide efficient official development assistance tailored to the conditions of developing countries and to honour the commitment they have made several times to devote 0.7 per cent of their GNP to official development assistance;
5. *Urges* the developing countries to take measures to ensure that such assistance benefits the truly needy;
6. *Stresses* that debt cancellation for HIPC countries and debt relief for other developing countries should be granted immediately and focus almost exclusively on poverty reduction

measures that take account of the predicament of women, especially in rural areas, and on the eradication of inequalities;

7. *Endorses* proposals aimed at stemming short-term capital flows which have especially dramatic consequences for production in developing countries, and in particular *supports* the idea of a tax on short-term capital flows that could be allocated to a world solidarity fund managed by the United Nations, and *requests* the Inter-Parliamentary Union to invite the international financial institutions to present a report on the technical arrangements for, and the consequences of, the establishment of such a tax at the next Inter-Parliamentary Conference in Cuba;
8. *Urges* recipient countries to develop legal and social frameworks to ensure that the funds made available are effectively used for social and economic development and for the welfare of the people;
9. *Endorses* the call made by the international community in the 20/20 Initiative for 20 per cent of donor countries' official development assistance to be used to combat poverty and 20 per cent of the recipient countries' public expenditure to be used for basic social services, such as education, health and housing;
10. *Stresses* the need to direct national efforts away from military priorities and international trade in weapons, and towards more productive and peaceful objectives, bearing national security implications in mind;
11. *Reaffirms* that the struggle against poverty and inequality requires the existence of an effective, democratic and transparent State which is respectful of human rights; and *emphasises* that this struggle must promote civil and political liberties in order to empower the poor to claim their social, economic and cultural rights, and must also combat corruption, which always hits the poor hardest;
12. *Urges* the world's parliamentarians to play a central role in the implementation of development assistance measures, both at home and in the international arena.

**RESULTS OF ROLL-CALL VOTE ON THE PROPOSAL OF THE DELEGATION OF IRAQ  
TO REPLACE OPERATIVE PARAGRAPH 4 OF THE DRAFT RESOLUTION ON ITEM 7  
WITH THE ORIGINAL TEXT PROPOSED BY THE DRAFTING COMMITTEE**

**Results**

Affirmative votes.....	592
Negative votes.....	517
Abstentions.....	105
Total of affirmative and negative votes.....	1109
Simple majority.....	555

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria	14			France	9		8	Mongolia	absent		
Andorra	4	6		Gabon	6		5	Morocco	14		
Angola	12			Germany		19		Mozambique	13		
Argentina		15		Ghana	13			Namibia		11	
Australia		13		Greece	7	6		Nepal	8		6
Austria		12		Guatemala			12	Netherlands		13	
Bangladesh	absent			Guinea	absent			New Zealand		10	
Belarus	absent			Guinea-Bissau	absent			Nigeria	12		8
Belgium		12		Hungary		10		Norway		11	
Benin	11			Iceland		10		Philippines	absent		
Bosnia and Herzegovina		11		India	23			Poland		15	
Botswana		11		Indonesia	22			Portugal		10	2
Brazil	20			Iran (Islamic Republic of)	4		6	Republic of Korea		10	
Bulgaria		10		Iraq	14			Romania		10	
Burkina Faso		12		Ireland		11		Russian Federation	20		
Cambodia		13		Italy		12	5	Rwanda	absent		
Cameroon		13		Japan		20		Samoa	absent		
Canada		14		Jordan	11			San Marino	5	5	
Chile		13		Kazakhstan	absent			Sao Tome and Principe	10		
China	23			Kenya	14			Singapore	6		4
Colombia	absent			Kuwait		11		Slovakia	4	8	
Congo	6	5		Lao People's Dem. Republic	11			South Africa	1	3	12
Costa Rica	6	5		Latvia		11		Spain		15	
Croatia		11		Liberia	2			Sweden	2	10	
Cuba	13			Libyan Arab Jamahiriya	11			Switzerland		12	
Cyprus	10			Lithuania		11		Syrian Arab Rep.	13		
Czech Republic		13		Luxembourg	absent			Tajikistan	12		
DPR of Korea	14			Malaysia	14			Thailand	15		3
Denmark		12		Mali	12			The fYR of Macedonia	4	7	
Djibouti	10			Malta			10	Tunisia	12		
Egypt	18			Mauritania	absent			Turkey	18		
El Salvador			12	Mexico	19			Uganda	13		
Estonia	11			Monaco	absent			Ukraine		10	
Ethiopia	10										
Finland		12									

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.

United Arab Emirates	absent			Viet Nam	18					
				Yemen	13					
United Kingdom		17		Zambia			12			
Uruguay	5	6		Zimbabwe	absent					

**RESULTS OF ROLL-CALL VOTE ON THE PROPOSAL OF THE DELEGATION OF NORWAY  
TO VOTE ON THE DRAFT RESOLUTION ON ITEM 7 AS A WHOLE**

**R e s u l t s**

Affirmative votes.....	834
Negative votes .....	245
Abstentions.....	159
Total of affirmative and negative votes .....	1079
Simple majority.....	540

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria	14			Finland		12		Monaco	absent		
Andorra	5	5		France	17			Mongolia	absent		
Angola	12			Gabon	11			Morocco	14		
Argentina	15			Germany		19		Mozambique	13		
Australia			13	Ghana	13			Namibia	11		
Austria	10		2	Greece	13			Nepal	14		
Bangladesh	absent			Guatemala	12			Netherlands		13	
Belarus	13			Guinea	absent			New Zealand			10
Belgium	6		6	Guinea-Bissau	absent			Nigeria	20		
Benin	11			Hungary		10		Norway		11	
Bosnia and Herzegovina	7		4	Iceland	absent			Philippines	absent		
Botswana	6		5	India	23			Poland		15	
Brazil	20			Indonesia	22			Portugal		10	
Bulgaria	absent			Iran (Islamic Republic of)	17			Republic of Korea			10
Burkina Faso	12			Iraq	14			Romania	7		7
Cambodia	13			Ireland		11		Russian Federation	20		
Cameroon	13			Italy	12		5	Rwanda	12		
Canada			14	Japan		20		Samoa	absent		
Chile	7	6		Jordan	11			San Marino	10		
China	23			Kazakhstan	absent			Sao Tome and Principe	10		
Colombia	absent			Kenya	14			Singapore	11		
Congo	11			Kuwait			11	Slovakia	4	8	
Costa Rica	6	5		Lao People's Dem. Republic	11			South Africa	1		15
Croatia			11	Latvia		11		Spain		15	
Cuba	13			Liberia	11			Sweden	2		10
Cyprus	10			Libyan Arab Jamahiriya	11			Switzerland			12
Czech Republic		13		Lithuania		11		Syrian Arab Rep.	13		
DPR of Korea	14			Luxembourg		10		Tajikistan	12		
Denmark		12		Malaysia	14			Thailand	18		
Djibouti	10			Mali	12			The fYR of Macedonia	7		4
Egypt	18			Malta			10	Tunisia	12		
El Salvador	12			Mauritania	absent			Turkey	18		
Estonia		11		Mexico	19			Uganda	13		
Ethiopia	absent							Ukraine			10

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.

United Arab Emirates	absent			Viet Nam	18					
				Yemen	13					
United Kingdom		17		Zambia	12					
Uruguay	11			Zimbabwe	absent					

**ARE EMBARGOES AND ECONOMIC SANCTIONS STILL ETHICALLY ACCEPTABLE,  
DO THEY STILL WORK, AND ARE THEY SUITED TO ACHIEVING THEIR  
PURPOSE IN AN EVER MORE GLOBALISED WORLD?**

*Resolution adopted by the 104<sup>th</sup> Conference by 834 votes  
to 245, with 159 abstentions  
(Jakarta, 20 October 2000)*

The 104<sup>th</sup> Inter-Parliamentary Conference,

*Reaffirming* the principles and objectives of the United Nations Charter and the role played by the United Nations in the maintenance of peace and security,

*Recalling* that during the 1990s, the use of sanctions, and particularly economic sanctions under Article 41 of the United Nations Charter became much more frequent than in previous decades, and *also recalling* Article 1.3 of the United Nations Charter,

*Considering* that the international community has now acquired sufficient experience in this field to move on to evaluating such measures,

*Welcoming* the discussions on this matter in the United Nations and the Security Council in particular, and *commending* the remarkable research and thinking done in this connection at the initiative of some governments and by non-governmental organisations,

*Convinced* of the need to safeguard the universality of measures taken by the United Nations and to remove all obstacles to it, and *concerned* that the outcome of economic sanctions applied by the United Nations is not always successful and that some sanction regimes are strongly contested, which is arousing growing scepticism and mistrust about an instrument that is meant to be used by the Security Council to ensure international peace and security,

*Mindful* that the application by member States of sanctions adopted by the Security Council often leaves much to be desired,

*Aware* that economic sanctions have humanitarian repercussions, which are aggravated in a globalised world characterised by economic inter-dependence, and have contributed more than anything else to undermining public support for sanctions,

*Underscoring* that comprehensive sanction regimes in particular have a negative impact on living conditions in the country they are aimed at which tends to go beyond the bounds of the acceptable, given that they strike the population indiscriminately, whereas their purpose is to induce the government (or, as the case may be, certain non-State players involved in a conflict) to respect the resolutions of the Security Council,

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*Considering* that the undesired effects on the population are increased greatly when comprehensive sanctions are applied for an indefinite period, or when they are imposed on developing countries, which lack the necessary resources to contain these effects,

*Mindful* of the negative impact that economic sanctions imposed by the United Nations have on third party States which are trading partners of the State under sanctions, and in particular on neighbouring countries, which often suffer considerable losses and receive insufficient assistance from the rest of the international community despite the provisions of Article 50 of the United Nations Charter,

*Stressing* the need to distinguish clearly between sanctions adopted by the Security Council and those used by States, acting unilaterally or together, as an instrument of their foreign policy,

*Underscoring* that, while the United Nations Charter does not challenge the sovereign right of each country (or group of countries) to decide with which other countries it maintains economic and trade relations and hence to interrupt such relations with another country as it sees fit, in order to mark its disagreement with the policy conducted by a given country, it is no less true that:

- (a) Economic sanctions of this type can never be binding on third party countries or their nationals,
- (b) The United Nations Security Council and General Assembly are competent to assess these sanctions from the point of view of international peace and security, in conformity with Articles 34 and 35 of the United Nations Charter,
- (c) Unilateral sanctions inflict unwarranted suffering on the people of the countries concerned, particularly women, children and the elderly, who are increasingly affected by them,

*Deploring* the use of unilateral sanctions as an instrument to advance foreign policy and ulterior objectives,

*Noting* that the status in international law of the instrument of economic sanctions - whether imposed by the United Nations or by States - does not cover the whole range of their collateral consequences, as far as humanitarian requirements and the negative impact on third countries are concerned,

1. *Considers* that economic sanctions should be avoided as far as possible but that they may be a useful and legitimate instrument to enable the Security Council to ensure international peace and security and, that whenever they have to be imposed, they should be carefully devised and properly implemented;
2. *Stresses* that the principle of international solidarity must apply both when implementing sanctions and in minimising their humanitarian repercussions and economic impact on third countries;
3. In order to make the United Nations sanctions more effective and just and to ensure that they are universally accepted and applied, *makes the following recommendations*, in particular:

- (a) The establishment of economic sanctions by the Security Council must be based on a clear concept of all the resources at the Council's disposal to get a recalcitrant State to respect its resolutions, and sanctions should not be an easy answer adopted instead of other measures which would be more appropriate under the circumstances but require a greater effort by the international community;
- (b) The design of the sanctions themselves must be considerably improved:
- Objectives must be clearly defined and realistic, which implies that objective criteria for the partial or full lifting of sanctions must be stipulated at the outset;
  - The activities subject to restrictions must also be defined as precisely as possible, in order to avoid any ambiguity as to the scope of sanctions and thus facilitate their application, particularly when arms embargoes or financial restrictions are involved;
  - Comprehensive economic sanctions are to be avoided as far as possible because they inflict suffering on too many innocent persons; the preferred solution is targeted sanctions which directly affect the political leaders of the country in question; such approaches are particularly suited to financial sanctions (e.g. freezing bank accounts abroad), travel restrictions and arms embargoes;
  - Regardless of the type of sanctions, the Security Council must assess the undesired impact of the sanctions it intends to impose, evaluating both their humanitarian impact on the population of the country concerned and their economic impact on other countries, particularly neighbouring ones;
  - Provision should be made from the start for humanitarian exceptions in order to protect the most vulnerable groups in the country concerned;
  - A mechanism should be established to compensate third countries for the losses suffered;
  - Sanctions must be imposed for a given duration, in order to guarantee that their prolonged application is supported by the same majority in the Security Council as the initial decision required for their introduction;
- (c) Once introduced, the sanctions must be closely monitored by the Security Council, which requires considerable strengthening of the UN Secretariat's sanctions management capacity; such monitoring must cover three aspects:
- The achievement of the sanctions' objectives, i.e., the extent to which the country concerned complies with the relevant Security Council resolutions;
  - The application of sanctions by the UN member States required to apply them;
  - The development of undesired consequences of sanctions for the population of the country concerned and for third party countries;

- (d) The Security Council must take into consideration the results of the monitoring of sanctions; more particularly it must be prepared to adapt if need be the sanction regime initially adopted (depending in particular on the behaviour of the country concerned) and to take the necessary accompanying measures (particularly to offset undesired effects); recorded violations of sanctions, particularly arms embargoes, must be made public and those responsible identified, whether States or other entities;
4. *Calls on* the Security Council to lift the United Nations sanctions of a global economic nature, including those imposed on Iraq, and to reassess all other sanction regimes currently in force in the light of the principles set above;
  5. *Urges* all States to comply with the sanctions imposed by the United Nations and to adopt the necessary legislation in order to penalise violations of sanctions, and of arms embargoes in particular;
  6. *Invites* regional and sub-regional organisations to contribute to the implementation of sanctions imposed by the United Nations, by seeking harmonised application of sanctions by their member States, by cooperating with the sanctions committees of the Security Council in monitoring the application of sanctions by these States, or by other means;
  7. *Calls on* States to exercise the utmost circumspection when using economic sanctions within the framework of their foreign policy, to remain attentive to the humanitarian repercussions of such measures, which may be enormous, as can be seen from the case of Burundi, and to refrain in any event from actions which are contrary to the will of the international community, as expressed by the United Nations General Assembly or Security Council;
  8. *Categorically opposes* the adoption, by a State (or group of States), of laws or other measures with extraterritorial effect which are aimed at obliging third party States or their nationals to apply economic sanctions adopted by it, as occurred in the case of Cuba;
  9. *Demands* that medicines and foodstuffs be systematically excluded from any multilateral or unilateral sanctions imposed on any country;
  10. *Urges* States to envisage the elaboration, within the framework of the United Nations, of an instrument of international law codifying the humanitarian standards to be respected when economic sanctions are introduced, whether by the United Nations or by States, and providing for possibilities of appeal to a juridical body;
  11. *Calls on* parliaments and parliamentarians to exercise fully their legislative function and their right of oversight vis-à-vis their governments with regard to questions relating to economic sanctions.

**RESULTS OF ROLL-CALL VOTE ON THE TEXT OF THE DRAFT RESOLUTION  
ON EMERGENCY SUPPLEMENTARY ITEM**

**R e s u l t s**

Affirmative votes.....	987
Negative votes	61
Abstentions	131
Total of affirmative and negative votes .....	1048
Simple majority .....	524

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria	14			Gabon	6		5	Mozambique	13		
Andorra	8		2	Germany	19			Namibia	11		
Angola	12			Ghana	13			Nepal	14		
Argentina	absent			Greece	13			Netherlands	absent		
Australia			13	Guatemala		12		New Zealand			10
Austria	absent			Guinea	absent			Nigeria	20		
Bangladesh	20			Guinea-Bissau	10			Norway	8		3
Belarus	13			Hungary	13			Philippines	8		2
Belgium	9		3	Iceland	absent			Poland	absent		
Benin	11			India	23			Portugal	6		6
Bosnia and Herzegovina	8		3	Indonesia	22			Republic of Korea	absent		
Botswana			11	Iran (Islamic Republic of)	17			Romania	2	2	10
Brazil	20			Iraq	14			Russian Federation	20		
Bulgaria	10			Ireland	7	4		Rwanda	absent		
Burkina Faso	12			Italy	17			Samoa			10
Cambodia	13			Japan	20			San Marino	10		
Cameroon	13			Jordan	11			Sao Tome and Principe	10		
Canada		14		Kazakhstan	13			Singapore	11		
Chile	10			Kenya	10			Slovakia		10	
China	23			Kuwait	11			South Africa	11	4	
Colombia	absent			Lao People's Dem. Republic	11			Spain	10		5
Congo	11			Latvia	7		4	Sweden	8		4
Costa Rica	11			Liberia	absent			Switzerland	12		
Croatia	6		5	Libyan Arab Jamahiriya	11			Syrian Arab Rep.	13		
Cuba	13			Lithuania	absent			Tajikistan	12		
Cyprus	absent			Luxembourg	absent			Thailand	18		
Czech Republic	absent			Malaysia	10			The fYR of Macedonia	absent		
DPR of Korea	10			Mali	12			Tunisia	12		
Denmark	6		6	Malta	10			Turkey	18		
Djibouti	10			Mauritania	absent			Uganda	absent		
Egypt	18			Mexico	19			Ukraine	absent		
El Salvador	2		10	Monaco	10			United Arab Emirates	11		
Estonia	6		5	Mongolia	absent			United Kingdom		9	8
Ethiopia	16			Morocco	14			Uruguay	5	6	
Finland	6		6								
France	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.

Viet Nam	18			Zambia	12						
Yemen	13			Zimbabwe	10						

**BRINGING AN END TO THE TENSION AND VIOLENCE IN THE MIDDLE EAST,  
PROTECTING CIVILIANS IN ACCORDANCE WITH THE FOURTH GENEVA CONVENTION,  
AND ACTION TO SAVE THE PEACE PROCESS IN ACCORDANCE WITH THE RELEVANT  
UNITED NATIONS RESOLUTIONS**

*Resolution adopted by the 104<sup>th</sup> Conference  
by 987 votes to 61, with 131 abstentions  
(Jakarta, 19 October 2000)*

The 104<sup>th</sup> Inter-Parliamentary Conference,

*Recalling* its resolution on Jerusalem adopted in Seoul (97<sup>th</sup> Conference, April 1997) and its resolutions adopted in Amman (103<sup>rd</sup> Conference, April 2000),

*Recalling also* UN Security Council resolutions 476 (1980), 478 (1980), 672 (1990), 1073 (1996) and 1322 (2000), and all its other relevant resolutions,

*Recalling further* the internationally recognised principles of human rights law enshrined in various United Nations Declarations and Conventions and repeatedly endorsed by the Inter-Parliamentary Union,

*Asserting* the applicability of international humanitarian law, in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

*Deeply concerned* by the tragic events that have occurred in the Palestinian territories in particular since the provocative visit of Mr. Ariel Sharon to Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and which have led to numerous deaths and injuries mostly among the Palestinians, due to excessive use of force by the Israeli army in the occupied territories,

*Reaffirming* that a just and lasting solution to the Arab-Israeli conflict must be based on UN Security Council resolutions 242 (1967), 338 (1973) and UN General Assembly resolution 194 (1948), and on an active process of negotiation which takes account of the legitimate rights of the Palestinian people, including the right to self-determination and to the establishment of an independent State,

*Expressing* its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides, and *urging* the two sides to cooperate in these efforts,

*Taking into account* the declaration of 17 October by the parties gathered at Sharm el-Sheik who have publicly stated their determination to stop the violence and undertake concrete measures to prevent a recurrence of recent events,

*Reaffirming* the need for full respect by all of the holy places of the city of Jerusalem, and *condemning* any behaviour to the contrary,

1. *Condemns* all acts of provocation that threaten the peace process and international efforts to establish a just and comprehensive peace;
2. *Deeply deploras* the tragic events that have taken place in the Palestinian territories which have led to an alarming upsurge in the Arab-Israeli conflict since the provocative visit of Mr. Ariel Sharon to Al-Haram Al-Sharif in Jerusalem on 28 September 2000;
3. *Denounces* the acts of violence committed in the occupied territories by the Israeli military forces and their excessive use of force which have already resulted in over 120 deaths and more than 4,000 casualties, mostly among the Palestinians and including innocent civilians;
4. *Urges* Israel to fulfil its commitment to cease all military actions, to lift the blockade of the Palestinian territories and to restore the situation which existed prior to the current crisis;
5. *Calls on* the Israeli Government and the Palestinian National Authority henceforth to prevent any acts of violence;
6. *Calls also on* Israel, the Occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the Arab territories occupied by Israel since 1967;
7. *Calls further on* the parties to secure a return to normality so as to improve the prospects for the Middle East peace process in keeping with the principle of land for peace and UN Security Council resolutions 242 and 338;
8. *Welcomes* and *supports* the intentions announced in the 17 October meeting in Sharm el-Sheik to establish an international commission of inquiry, with the support of the United Nations, for a speedy and objective inquiry into the tragic events of the past few days with the aim of preventing their recurrence;
9. *Calls on* the two parties to resume substantive negotiations and to do everything possible to achieve lasting peace;
10. *Calls also on* all forces for peace to mobilise internationally in order to turn the region into a zone of peace and shared prosperity;
11. *Welcomes* the encouraging results of the Sharm el-Sheik talks as an important step towards ending violence and resuming the political dialogue, and *calls on* both sides sincerely to fulfil their commitments.

AMENDMENTS TO THE IPU STATUTES

*Adopted by the 104<sup>th</sup> Conference  
(Jakarta, 20 October 2000)*

(i) **Amendment to Article 6 of the Statutes**

**Article 6**

All National Groups shall have their own Rules. They shall make all administrative and financial provisions required for effective participation in the work of the Union, and maintain a regular liaison with the Secretariat of the Union to which they shall send, before the end of January of each year, a report of their activities, including the names of their officers and the list or the total number of their members.

(ii) **Amendment to Article 27.3 of the Statutes**  
(Association of Secretaries General of Parliaments - ASGP)

**Article 27.3**

The Association shall be administered autonomously. The Union shall make an annual contribution towards the budget of the ASGP. The Rules which the ASGP establishes shall be approved by the Inter-Parliamentary Council.

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

**(Havana, 1 - 7 April 2001)**

*Approved by the Council of the Inter-Parliamentary Union at its 167<sup>th</sup> session  
(Jakarta, 21 October 2000)*

1. Election of the President and Vice-Presidents of the 105<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. Securing observance of the principles of international law in the interests of world peace and security
5. 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
6. Amendments to the Statutes and Rules of the Union

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES TO BE INVITED  
TO FOLLOW THE WORK OF THE 105<sup>th</sup> CONFERENCE AS OBSERVERS**

**Approved by the Council of the Inter-Parliamentary Union at its 167<sup>th</sup> session  
(Jakarta, 21 October 2000)**

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Palestine

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

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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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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 European Parliamentarians for (Southern) Africa (AWEPA)  
 Baltic Assembly  
 Commonwealth Parliamentary Association (CPA)  
 Inter-Parliamentary Assembly of the Commonwealth of Independent States  
 Inter-Parliamentary Council against Antisemitism  
 Maghreb Consultative Council  
 Nordic Council  
 Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)  
 Parliamentary Assembly of the OSCE  
 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  
 World Federation of United Nations Associations (WFUNA)

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## FUTURE MEETINGS AND OTHER ACTIVITIES

*Approved by the Council of the Inter-Parliamentary Union at its 167<sup>th</sup> session  
(Jakarta, 21 October 2000)*

Debate at the United Nations General Assembly on UN-IPU Cooperation	NEW YORK (UN Headquarters) 8 November 2000
Information Seminar on the Functioning of the Union (French language)	GENEVA (IPU Headquarters) 20-25 November 2000
232 <sup>nd</sup> Session of the Executive Committee	NEW DELHI (India) 4-7 December 2000
International Conference on “ <i>Globalisation and Democracy</i> ”, organised by the Federation of Indian Chambers of Commerce and Industry (FICCI), with IPU sponsorship	NEW DELHI (India) 5-6 December 2000
Third Round Table of Parliamentarians on the occasion of the Fourth Conference of the Parties to the Convention on Desertification, organised by the Secretariat of the Convention to Combat Desertification (UNCCD) and sponsored by the IPU	BONN (Germany) 12-13 December 2000
CSCM Ad Hoc Committee	VALLETTA (Malta) 19-20 January 2001
92 <sup>nd</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 23-26 January 2001
Parliamentary Meeting on International Trade, organised by IPU with the support of WTO	GENEVA First half of 2001
Meeting of the Committee for Sustainable Development	GENEVA (IPU Headquarters) March 2001

105 <sup>th</sup> Inter-Parliamentary Conference and related meetings	HAVANA (Cuba) 29 March-7 April 2001
- Inter-Parliamentary Conference	1-6 April
- Inter-Parliamentary Council (168 <sup>th</sup> session)	2 and 7 April
- Executive Committee (233 <sup>rd</sup> session)	29, 30, 31 March and 5 April
- Meeting of Women Parliamentarians (5 <sup>th</sup> session)	1 April
- Co-ordinating Committee of Women Parliamentarians	1 and 6 April
- Gender Partnership Group	30 and 31 March
- Committee to Promote Respect for International Humanitarian Law	2 and 5 April
- Coordinating Committee of the CSCM	3 April
- Meeting of Parties to the CSCM (18 <sup>th</sup> session)	4 April
- Committee on the Human Rights of Parliamentarians (93 <sup>rd</sup> session)	1-6 April
- Committee on Middle East Questions	4 and 5 April
- Group of Facilitators for Cyprus	3 and 4 April
Parliamentary Meeting on the occasion of the Third United Nations Conference on the Least Developed Countries (LDC-III)	BRUSSELS (Belgium) May 2001
Parliamentary session on the occasion of the 2 <sup>nd</sup> Global Forum on Fighting Corruption	THE HAGUE (Netherlands) 28-31 May 2001
94 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) June / July 2001
Seminar for French-speaking Parliaments in Africa on “ <i>Parliament and the budgetary process, including from the gender perspective</i> ”, organised under the IPU/UNDP Parliamentary Support Programme	BAMAKO (Mali) July 2001
One-day Parliamentary Meeting on the occasion of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance	SOUTH AFRICA August-September 2001
106 <sup>th</sup> Inter-Parliamentary Conference and related meetings	OUAGADOUGOU (Burkina Faso) 9-15 September 2001
107 <sup>th</sup> Inter-Parliamentary Conference and related meetings	MARRAKECH (Morocco) April/May 2002
108 <sup>th</sup> Inter-Parliamentary Conference and related meetings	MONTEVIDEO (Uruguay) September/October 2002

INTER-PARLIAMENTARY UNION

J-1

# THE PARLIAMENTARY VISION FOR INTERNATIONAL COOPERATION AT THE DAWN OF THE THIRD MILLENNIUM

*Declaration adopted by the Conference of Presiding Officers of National Parliaments  
New York, UN Headquarters, 30 August - 1 September 2000*

*The Inter-Parliamentary Union, which hailed the founding of the United Nations, has always strived to support the action of the world organization of governments whose objectives it shares. The IPU was pleased to organise, in cooperation with the United Nations, the first ever Conference of Presiding Officers of National Parliaments as part of its actions to provide a parliamentary dimension to international cooperation. The Conference took place in the UN General Assembly Hall in New York on the eve of the Millennium Assembly.*

*The Conference of Presiding Officers of National Parliaments was chaired by Dr. Najma Heptulla, Deputy Chairman of the Rajya Sabha of India and President of the Council of the Inter-Parliamentary Union. It heard an introductory statement by the UN Secretary-General, Mr. Kofi Annan, who said that the assembled heads of parliaments had a unique understanding of what their citizens expected from the United Nations in a new millennium, and a unique role in bringing that body closer to the peoples it was meant to serve. They thus had an important part to play in making international institutions more transparent and more equitable, and could, moreover, help to ensure that democratic parliaments everywhere remained genuinely accountable to the people.*

*One hundred and forty-five Presiding Officers of National Parliaments and 11 Vice-Presidents, out of a total of 403 representatives from 138 national parliaments and 3 regional assemblies, as well as 23 observer-organizations, took part in the session. The President of the Conference was assisted in chairing the sittings by various Vice-Presidents. The first working session was presided over by Ms. B. Boothroyd, the Speaker of the House of Commons of the United Kingdom, and subsequent sessions were chaired by Mr. Li Peng, Chairman of the Standing Committee of the National People's Congress of the People's Republic of China, Dr. F.N. Ginwala, Speaker of the National Assembly of South Africa, Mr. G. Seleznev, Chairman of the State Duma of the Russian Federation, Mr. R. Forni, President of the National Assembly of France, Mr. A. Majali, Speaker of the House of Representatives of Jordan, Mr. M. Temer, President of the Chamber of Deputies of Brazil and Mr. G. Molgat, Speaker of the Senate of Canada.*

*At the end of the debate, participants heard the report of Mr. Mélégué Traoré, Rapporteur of the Steering Committee and President of the National Assembly of Burkina Faso, before adopting by consensus the following Declaration on the “**Parliamentary Vision for International Cooperation at the Dawn of the Third Millennium**”*

# *The parliamentary vision for international cooperation at the dawn of the third millennium*

We, Speakers and Presiding Officers of Parliaments, are meeting at the United Nations in New York on the eve of the Millennium Assembly to pledge our commitment to international cooperation, with a stronger United Nations at its core. We resolve to ensure that our parliaments contribute more substantively to this cooperation by making the voice of the peoples heard, thereby introducing a more manifestly democratic dimension into international decision-making and cooperation. To help impart fresh momentum to the United Nations, parliaments must be more closely associated with its work so as to give real meaning to the opening words of the United Nations Charter: "*We, the peoples of the United Nations*".

## *Main challenges at the dawn of the third millennium*

As we enter the new millennium, we must pursue together the ideals enshrined in the Charter and work to address the main challenges facing the world community: the achievement of international peace and security, democracy, respect for human rights, sustainable development and the ensuing social progress.

We reaffirm the principles of the *Universal Declaration on Democracy* adopted by the Inter-Parliamentary Union and pledge to work towards the establishment of a culture of democracy. An elected parliament that represents all components of society and has the requisite powers and means to express the will of the people by adopting legislation and by continuously overseeing the action of the

government is indispensable for guaranteeing the people's rights and liberties and securing civil peace and harmonious development.

Democracy is founded on the rule of law and on respect for human rights, which are themselves based on the precept that nothing must infringe upon human dignity. We reaffirm the need to ensure the equal rights and opportunities of men and women, thus promoting a genuine partnership between them in all spheres. We also reaffirm the need to promote a climate of tolerance and to safeguard diversity, pluralism and the right to be different, which implies protecting the rights of persons belonging to minorities.

The principle according to which no one is above the law and all are equal before it must also hold true for relations between sovereign States, which are equal in terms of rights and whose peoples have the right to self-determination and to choose their political system freely and democratically.

We reaffirm our determination to see to it that our States honour their commitments under the United Nations Charter. States must ensure that their conduct conforms to international law, especially human rights and international humanitarian law. Respect for the instruments of international humanitarian law is essential and we will continue to work for the establishment of an International Criminal Court that is non-discriminatory and universal.

We reiterate our commitment to general and complete disarmament under effective international control, in particular nuclear disarmament and the elimination of

weapons of mass destruction, including chemical and biological weapons, and of "smart" weapons and anti-personnel mines. We remain equally committed to cooperation in the fight against terrorism, drug trafficking and organised crime.

Peace based on solid and sincere foundations requires a more just world, and we firmly believe that all future action must seek to ensure sustainable economic and social development that is people-centred. We must work to create national and international conditions conducive to social development, social integration, the eradication of poverty and the reduction of unemployment.

Preserving and making the best use of the environment are essential prerequisites for sustainable development. Accordingly, we must not meet our own needs at the expense of future generations. In conformity with the conclusions of the Earth Summit, the world must pay particular attention to water, energy and transport issues, to ways of integrating environmental costs and benefits into business, and to the impact of the state of the environment on the overall economy.

Globalisation is creating a new situation. Increased trade, new technology, growing foreign investment and expanding information-sharing are fuelling economic growth and human progress. However, these developments have benefited the developed nations more than developing countries and the latter are experiencing serious problems in implementing international trade agreements. There is a need to ensure that the opportunities and benefits of globalisation are shared more widely and that the right to development is respected. Here, the World Trade Organization must seek to ensure both free and fair trade producing long-term sustainable benefits.

In the poorest countries of the world, debt is a major constraint and a very real impediment to development. We urge the international community to seize the momentum generated by the transition to a new millennium to reduce substantially the debt of these countries and to cancel the public debt of the heavily indebted poor countries. These measures should be carried

out in such a way as to avoid shifting the burden to other developing countries. Debtor countries must, for their part, introduce transparent mechanisms of control in order to ensure that the benefits of debt relief result in the socio-economic development of their peoples. We also call for greater efforts to reverse the decline in official development assistance.

#### *The United Nations in the twenty-first century*

We reaffirm our adherence to the purposes and principles set out in the UN Charter and in the international instruments adopted since the founding of the world body. We are convinced that the UN is needed more than ever before and must remain the cornerstone of strong and effective global cooperation. We rededicate ourselves to strengthening the world organisation and urge members to provide it with the necessary human and financial resources.

There is a need to continue and complete the United Nations reform process. The reforms must be based on strict adherence to the principles of democracy and respect for the sovereign equality of all UN member States. We commit ourselves to work towards that end. We must also work to ensure that the United Nations is the primary forum for the debate on development assistance.

#### *The evolution of international relations*

There has been a momentous evolution in international relations, which are no longer limited to traditional diplomacy. The development of multilateral cooperation, whose field of action continues to grow, has added new features to international relations. International cooperation henceforth requires different working methods and the participation of new actors. In particular, action to honour the commitments assumed in international and regional forums, which are now more important than ever, demands the involvement of parliaments, and many issues addressed by parliaments at the national level have an international dimension.

These new approaches are all the more necessary in the light of the far-reaching global changes that have occurred in recent years. We are witnessing a technological revolution of unprecedented dimensions. Extraordinary progress in communications makes it possible today to follow events instantaneously around the globe. Today's world is increasingly described as a global village to signify a smaller world and one that is dramatically more interdependent than ever before. Economic activities of all sorts, at home and abroad, by national and transnational companies, investment, trade and cross-border flows of capital tie the world's nations closer together, as does the growing realisation that the world's resources are finite.

The increasing complexity and globalisation of developments in the political, economic, social, environmental and cultural fields require parliaments and their members, more than ever before, to play their role in enabling citizens and society as a whole to understand and cope with the interconnections between globalisation and their daily lives and to translate their concerns into national and international policy. Otherwise, international cooperation and decision-making might eventually be seen as posing a threat to national or local interests and even democracy.

Globalisation and the pre-eminence of economic factors in the development of nations make it imperative to strengthen political processes and the link between citizens and their representatives. Under these circumstances, it is also crucial to reinforce the role of parliament and its members as intermediaries between a complex international decision-making process and citizens.

#### *The parliamentary dimension of international cooperation*

We call upon all parliaments and their world organisation - the Inter-Parliamentary Union - to provide a parliamentary dimension to international cooperation. Parliament is made up of men and women elected by the people to represent them and express their aspirations. It is the organ of State that allows society in all its diversity to

participate in the political process. Parliaments embody the sovereignty of the people and can, in all legitimacy, contribute to expressing the will of the State internationally.

To provide the parliamentary dimension, parliaments and their members must assume increased responsibility in international relations, play a more active role at the national, regional and global levels, and generally reinforce parliamentary diplomacy.

The parliamentary dimension must be provided by parliaments themselves first of all at the national level in four distinct but interconnected ways:

- (i) Influencing their respective countries' policy on matters dealt with in the United Nations and other international negotiating forums;
- (ii) Keeping themselves informed of the progress and outcome of these negotiations;
- (iii) Deciding on ratification, where the Constitution so foresees, of texts and treaties signed by governments; and
- (iv) Contributing actively to the subsequent implementation process.

To achieve this objective, we undertake to review within our respective parliaments how best to make use of current parliamentary procedures so that parliament, with an active input by all parties and members, can make an appropriate contribution to governmental negotiations at the international level. Information-gathering should be reinforced to enable parliament to keep abreast of developments on international issues. Parliaments should also play a more proactive role in processes relating to the ratification of and compliance with international agreements. Throughout, parliament has a particular responsibility to engage the public in a continuous dialogue and facilitate its input into the decision-making process.

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At the regional level, parliaments should make the best possible use of regional inter-parliamentary organisations and through them seek to influence the corresponding intergovernmental bodies. Parliaments should examine closely the work of such organisations in order to increase their efficiency and avoid duplication. They should also exchange experiences with a view to improving and simplifying national legislation.

At the international level, concurrently with the reinforcement of the political input of national parliaments into the process of inter-State cooperation, the Inter-Parliamentary Union should be consolidated as a world organisation for inter-parliamentary cooperation and for relaying the vision and will of its members to intergovernmental organisations.

Thus, we hereby solemnly confirm our support for the Inter-Parliamentary Union and our determination to participate in its work with renewed vigour, thus giving the IPU the means to discharge to the full the mission entrusted to it. In this process we also call upon the IPU to undertake such statutory and structural reforms as may be required to strengthen the organisation and its institutional links with parliaments.

By implementing this declaration, we propose to contribute substantively to international cooperation and to make the voice of the peoples heard within the United Nations, thereby pursuing the lofty ideals enshrined in the Charter and meeting the challenges facing the world community in terms of achieving peace, democracy, sustainable development and social progress.

We decide to convey this document to our parliaments, as appropriate, and to urge them to do everything possible to ensure that it is followed up in a practical and effective manner. We also request our governments to bring this declaration to the attention of the United Nations General Assembly for debate. Finally, we call upon the United Nations and the Inter-Parliamentary Union to seek ways of strengthening their institutional links and practical cooperation.

## TWELVE SUGGESTIONS FOR PARLIAMENTARY FOLLOW-UP TO “BEIJING+5”

To support governmental efforts to implement the *Beijing Platform for Action*, a number of measures and actions could be considered as follows:

### Information of Parliament

1. Governments should formally refer to parliament the *Beijing Platform for Action*, the Outcome of the Special Session of the General Assembly and, as appropriate, the conclusions of the preparatory regional meetings of the Session.

### Setting up of a non-discriminatory and gender-sensitive legislative framework

2. Governments and parliaments should take further sustained action to strengthen and develop the legal framework conducive to the implementation of gender equality provisions in all fields. Particular attention should be given to the repealing of discriminatory legislation, in accordance with the definition of discrimination contained in the *Convention on the Elimination of All Forms of Discrimination Against Women* and the *Beijing Platform for Action*.

### Budgetary resources

3. Parliaments should vote the appropriations required to implement administrative initiatives aimed at gender equality. In particular, adequate resources in national budgets for national machinery for the advancement of gender equality should be put in place to enable them to implement their mandates.
4. Governments should systematically include a gender perspective in their budgetary proposals. Similarly, mechanisms for a parliamentary reading of the budget from a gender perspective should be systematically developed.

### Parliamentary mechanisms for follow-up to the Beijing Process

5. Action should be taken to ensure that the Beijing commitments are referred, as appropriate, to all parliamentary committees concerned.
6. One way of ensuring the monitoring of progress in implementing the Beijing commitments of the *Beijing Platform for Action* may be the establishment of parliamentary committees on gender issues. Such committees should, if possible, include an equal number of men and women. They should aim at ensuring that debate on the *Beijing Platform for Action* and its follow-up will take place in all sectors and fields.

### **Raising awareness and fuelling public debate**

7. Individual members of parliament should be encouraged to fuel public debate on the issues covered by the *Beijing Platform for Action* and its follow-up, and should relay the views of the electorate to parliament on these issues, as appropriate.
8. Parliaments with no or very few women members should be made sensitive to gender issues. Action in this regard should be taken by national governments and national mechanisms, the IPU, the regional parliamentary assemblies and NGOs.
9. Parliaments should be rendered particularly sensitive to gender issues in countries where budgetary austerity policies or war-related difficulties may relegate such issues to a lower level of priority.

### **Enhancing women's political participation**

10. Parliaments should take all possible action to promote women's political participation. To that end, efforts should be made to remove electoral laws that are women-unfriendly and to develop electoral mechanisms that facilitate the election of women, as recommended by the IPU in its *Plan of Action to Correct Present Imbalances in the Participation of Men and Women in Politics*.
11. Internal organisational measures should be taken to facilitate women's participation in parliament and to ensure a balance between the professional and family obligations of their members. Furthermore, action should be taken to ensure that a fair proportion of women form part of the governing bodies of parliament and are presiding officers of parliamentary committees.
12. Parliamentarians, as members of political parties, should encourage party structures to open up their ranks to women and remove political and electoral practices that are women-unfriendly. In particular, political parties should, where appropriate, amend their statutes and rules to facilitate women's access to their leadership structures. Political parties should also encourage the selection of more women to stand as candidates in local, national and regional elections.

## **PARLIAMENT AND THE BUDGETARY PROCESS, INCLUDING FROM A GENDER PERSPECTIVE**

### **KEY ISSUES AND GUIDELINES**

*The following key issues and guidelines, emerged from the Inter-Parliamentary Union's Seminar on "Parliament and the budgetary process, including from a gender perspective" held in Nairobi (Kenya) from 22 to 24 May 2000. They have been identified for future reference and are applicable more specifically in the English-speaking African context*

#### **The national budget**

- The national budget is not just a technical instrument compiling income and expenditure. It is the most important policy statement made by the Executive in the course of the year. It reflects the fundamental values underlying national policy. It outlines the government's views of the socio-economic state of the nation. It is a declaration of the government's fiscal, financial and economic objectives and reflects its social and economic priorities. It also reflects the level of gender sensitivity of government policy. The budget further provides a valuable measure of the government's future intentions and past performance.
- The budget is a critically important document in insuring transparency, accountability, comprehensiveness and good governance. By providing a detailed description of proposed expenditure, it allows Parliament and the general public to "know where the money goes" and thus increases transparency. In addition, the budget requires approval by Parliament before the government can spend money or raise revenue, making ministers accountable to Parliament and its committees. Finally, it provides a regulating and disciplining framework within which government departments must be managed and must perform their functions.
- Transparency and accountability should be constitutional requirements, especially with regard to the national budgetary process. Together with transparency in the entire budgetary process, accountability is at the very heart of democracy.

#### **The budgetary process – Respective roles of Parliament and the Executive**

- The budgetary process includes three main phases: formulation of the budget; reading and adoption of the budget; execution and oversight.
- The second phase is the one that directly involves the exclusive mandate of Parliament whereas responsibility for drawing up the budget and carrying out the programmes in accordance therewith lies mainly with the Executive, although Parliament is responsible for the policy choices and priorities which should inform the Budget and for overseeing its implementation.

- As far as Parliament is concerned, the budget should not be an event but a process, developing throughout the year if Parliament is to perform its function of overseeing the Executive.
- The budget in itself and the procedure relating to its shaping and execution underscore a fundamental constitutional relationship between the Executive and Parliament.
- Clarity in constitutional provisions regarding the role and powers of Parliament in this field is thus crucial.

### **Formulating the budget**

- The elaboration of the budget is not only based on national needs and priorities. It is also affected by a variety of external factors and pressures.
- In many countries, the largest single item of expenditure – and one that is not optional – is the cost of servicing debts incurred in attempting to balance the budgets of previous years. Debt servicing may represent such a burden that it deprives the nation of resources and services that are crucial to its development such as education, health, social welfare, housing, etc.
- International financial institutions can impose conditions on States that represent great constraints on the budget drafting process and have a significant impact on the welfare of the community. Parliaments need to be more involved in setting these conditionalities since eventually it is the constituents who bear the brunt thereof.
- Excessive budget deficits tend to drive up interest rates to the detriment of the whole economy and to starve the private sector of funds for productive investment.
- While there should not be any interference in the responsibilities of the Executive in drawing up the budget, this process should be transparent and participatory so as to meet the needs of the community and also feature a consensus in Parliament. In one form or another, the process should involve not only officials and ministries but also large sectors of society: private sector, industrialists, trade unions, NGOs, women's organisations, interests groups, etc. It should also involve vulnerable, underprivileged groups such as the disabled. Provincial parliamentary assemblies, where they exist, should also be able to contribute further to the elaboration of the budget.
- In a democratic environment, Parliament should be able to influence the drafting of the budget more pro-actively and make sure that the balance of appropriations is horizontally correct between the various sectors and groups of the population and vertically correct between the various levels of government: national, provincial and local.
- One effective way of achieving this is through the presentation to Parliament by the Executive of a medium-term policy statement providing an opportunity for MPs to gain an understanding of the overall policy framework within which the next budget will be developed.
- Parliament's influence in the drafting of the budget should be the result of an ongoing process throughout the year, especially through its relevant committees and thanks to the parliamentary mechanisms available for raising the awareness of the Executive about the needs and concerns of the public: oral and written questions procedure, motions, inquiries, Select Committee hearings, White Papers, representations to ministers and departments.

- To secure such an ongoing and meaningful contribution by Parliament, parliamentary programming could, where appropriate, be revised to include separate debates and votes on each appropriation, as well as a full budget debate, full Select Committee examination of each appropriation based on audited and tabled annual reports of each department, ministry and Government Trading Organisation.
- Parliament may already at the early stages of drawing up the budget, help to enhance the gender sensitivity of the budget. It may do so in a variety of forms: for example by looking into economic priorities as reflected in the national budget and by requesting that the budget include gender-disaggregated data. Parliament could also move towards demanding that the national accounting framework is based not only on cash-generating activities but incorporates all productive activities, thus rendering visible in the budget all those unpaid productive activities that are not accurately reflected in national accounts.
- Parliament can assume to the fullest its oversight functions of the Executive with regard to the budget through the following mechanisms: six monthly fiscal reports and projections tabled and debated; mission statements for each appropriation, purchase agreements between ministers and departments, performance agreements between the public service authorities and heads of departments and ministries, and specific government goals or strategic results areas which specifically guide annual budget programmes.

### **Reading and adopting of the budget**

- Once the budget reaches Parliament, it becomes “Parliament’s property”.
- It is crucial that Parliament should have the necessary time to proceed to a thorough reading of the budget and that budget passage not be rushed through it.
- Parliaments need to be capacitated to deal with the budget adequately. MPs should be more prepared to understand the overall structure and process of the budget as well as the underlying policy issues so as to fully perform their role with regard to the budget. Also, Parliaments should be equipped with the relevant technological facilities for a proper reading of the budget. MPs should further dispose of the assistance of experts and research units and well-trained support staff able to assist them in their duties; to that effect, capacity-building sessions for the parliamentary staff should be developed. In addition, MPs should have access to relevant information, including gender-disaggregated data allowing them to proceed to a gender analysis of the budget.
- The traditional system by which a parliamentary rejection of the budget amounts to a vote of no confidence in the Executive leading to its resignation may affect not only the ruling party but the country as a whole.
- Parliament should be enabled by law to do more than just accept or reject the budget bill. It should be able to discuss the budget as an instrument of policy and to assure itself that it meets the values and principles enshrined in the Constitution. Parliament should also be able to proceed to a detailed sectoral analysis and reading of the budget. It should be able to cross-examine the accounts, and request separate votes for each allocation.
- Parliament should further be authorised by law to amend the budget so as to meet more adequately the needs and aspirations of society as reflected by the variety of the

political views within it. However, such powers should not serve to cripple the Executive, especially in the context of a democratic transition.

- The highest interests of the nation should transcend the power relations between the majority and the opposition in Parliament and should not hinder a democratic reading of the budget.
- Affiliation to the majority party should not prevent MPs from looking at the budget critically in the interests of the electorate. For the majority party to be able to discuss and negotiate with the other parties in Parliament, party caucuses in which experts inform MPs about the proposed budget may be a useful instrument in reaching a consensus in Parliament.
- Similarly, the budget should serve for the Executive and Parliament to act as partners interested in achieving the common good.
- The existence in Parliament of a specialised standing committee to deal with all issues relating to the budget process in all its three phases is crucial to ensure that Parliament can perform its constitutional role in this field.
- Through questions and motions, Parliament may in fact be used as a forum to increase transparency in the entire budget process.
- The budget of Parliament should be initiated, developed and approved by Parliament.

#### **Executing and overseeing the budget**

- Parliament's responsibility with the budget does not end with its adoption. Its oversight and audit functions should be rigorously enforced.
- To that end, there needs to exist a formal link, established by constitutional law, between the Executive and the Parliament with regard to the execution of the budget.
- As a matter of practice, Parliament should arrange for regular reporting to Parliament on how the ministries spend the money through the following procedures: departmental annual reports, examination of each appropriation by parliamentary committees, audited annual accounts of each ministry, specific estimates debates on each department in parliament: independent authority of the Auditor-General to report to Parliament on any matter of expenditure at any time.
- Parliament should make sure that the Auditor-General is appointed by Parliament and has a clear term of office, that he/she has the means to perform his/her mission independently and report to Parliament and its Finance Committee.
- The auditing process entails both the auditing of figures and the auditing of performances.
- The way in which money is actually spent should be fully documented at all stages. The fully audited presentation of accounts to Parliament is one of the expressions of democracy.
- Parliament should see to it that judicial sanctions are provided for by law and are applied in case of corruption and mismanagement of State resources by officials and the political body.
- Parliament should also see to it that remedies are applied in case of fault.

### Developing a gender-sensitive budget

- Budgets are not neutral instruments. The strategic and policy orientations underpinning them do reflect interests and preoccupations of people: men and women, boys and girls.
- Engendering the budget is the best way of meeting the aspirations and needs of the majority of men and women, boys and girls.
- Gender issues are cross-sectoral issues.
- The gender approach to society includes men and women, boys and girls, on the basis of equitable treatment, the emphasis being on uplifting those for whom the current social system is the most unfavourable (mainly women)
- It is crucial for MPs in exercising their responsibilities to ascertain the relevance and validity to gender issues of the strategies and policies underpinning the contents of the budget document and bill.
- Budgetary processes must be reviewed and changed as follows if they are to meet gender requirements:
  - (i) Government's economic strategies and policies and resulting budgetary options should be debated by Parliament long before the budget is drawn up (budget orientation debate);
  - (ii) MPs should equip themselves with specific instruments to assess budgets to ensure that they are gender-balanced: to this end, MPs must familiarise themselves with the *Beijing Platform for Action* areas of concentration and related strategies and with macro-economic parameters pointing to a gender-balanced budget.
- African MPs should become more proactive in order to effectively and efficiently influence the emerging budgeting approaches and make sure that they are gender-balanced. There is a clear need for training and guidelines in this area.
- Emphasising "outcomes" and moving from a line budgeting to a programme/budget approach could help engender budgets in a relatively effective way. The Medium-Term Expenditure Framework (MTEF) emphasises this programme/budget approach, "outcomes" the unification of the recurrent and capital budget as well. It provides an opportunity for further engendering the budget on a concrete basis.
- MPs should insist on elaborate sectoral reviews and seek an informal role in this review with two objectives:
  - (i) to gather detailed sectoral information;
  - (ii) to influence orientations towards gender biases.
- In view of the scarcity of resources, MPs should insist on priority - setting in budget documents, highlighting core programmes/projects with the strongest gender bias.
- Governments should be urged to promote reliable statistical databases and particularly gender-disaggregated data.

## BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2001

*Budget approved without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session  
(Jakarta, 21 October 2000)*

Expenditure Heading	Swiss Francs
1. Statutory sessions	1'800'000.00
2. Special conferences and similar meetings	280'000.00
3. Committees/working groups	150'000.00
4. Special programme activities	290'000.00
5. Information and publications	109'000.00
6. Library acquisitions	26'000.00
7. United Nations Liaison Office in New York	277'000.00
8. Duty travel and representation	75'000.00
9. Council President's representation allowance	30'000.00
10. Permanent staff	5'911'000.00
11. Temporary staff and external services	87'000.00
12. Headquarters premises	152'000.00
13. Office supplies, equipment and communication	570'000.00
14. Miscellaneous charges	15'000.00
15. Subvention to ASGP	116'000.00
16. Replenishment of reserves	92'000.00
TOTAL	9'980'000.00

Income Heading	Swiss Francs
1. Contributions from member Parliaments	9'900'000.00
2. Sale of publications	15'000.00
3. Administrative fees from extra-budgetary projects	60'000.00
4. Transfer from the conference cost compensation account	0.00
5. Carry-over of preceding year's budgetary allocations	0.00
6. Sundry income	5'000.00
TOTAL	9'980'000.00

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2001**

*Table approved without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)*

Members and Associate Members	Percentage	Amount of the contribution for 2001 (Swiss Francs)
Albania	0.20	19'110.--
Algeria	0.33	31'532.--
Andorra	0.20	19'110.--
Angola	0.20	19'110.--
Argentina	0.69	65'930.--
Armenia	0.26	24'843.--
Australia	1.50	143'326.--
Austria	0.84	80'263.--
Azerbaijan	0.35	33'443.--
Bangladesh	0.20	19'110.--
Belarus	0.48	45'864.--
Belgium	1.11	106'061.--
Benin	0.20	19'110.--
Bolivia	0.20	19'110.--
Bosnia and Herzegovina	0.23	21'977.--
Botswana	0.20	19'110.--
Brazil	1.57	150'014.--
Bulgaria	0.30	28'665.--
Burkina Faso	0.20	19'110.--
Burundi	0.20	19'110.--
Cambodia	0.20	19'110.--
Cameroon	0.20	19'110.--
Canada	2.89	276'141.--
Cape Verde	0.20	19'110.--
Chile	0.26	24'843.--
China	0.86	82'174.--
Colombia	0.30	28'665.--
Congo	0.20	19'110.--
Costa Rica	0.20	19'110.--
Croatia	0.29	27'710.--
Cuba	0.27	25'799.--
Cyprus	0.21	20'066.--
Czech Republic	0.50	47'775.--
Democratic People's Republic of Korea	0.23	21'977.--

(continued)

Members and Associate Members	Percentage	Amount of the contribution for 2001 (Swiss Francs)
Denmark	0.75	71'663.--
Djibouti	0.20	19'110.--
Ecuador	0.22	21'021.--
Egypt	0.25	23'888.--
El Salvador	0.20	19'110.--
Estonia	0.25	23'888.--
Ethiopia	0.20	19'110.--
Finland	0.69	65'930.--
France	5.39	515'018.--
Gabon	0.20	19'110.--
Georgia	0.29	27'710.--
Germany	7.93	757'716.--
Ghana	0.20	19'110.--
Greece	0.49	46'820.--
Guatemala	0.21	20'066.--
Guinea	0.20	19'110.--
Guinea-Bissau	0.20	19'110.--
Hungary	0.35	33'443.--
Iceland	0.22	21'021.--
India	0.50	47'775.--
Indonesia	0.33	31'532.--
Iran (Islamic Republic of)	0.86	82'174.--
Iraq	0.30	28'665.--
Ireland	0.35	33'443.--
Israel	0.39	37'265.--
Italy	3.91	373'603.--
Japan	10.55	1'008'059.--
Jordan	0.20	19'110.--
Kazakhstan	0.45	42'998.--
Kenya	0.20	19'110.--
Kuwait	0.41	39'176.--
Kyrgyzstan	0.22	21'021.--
Lao People's Democratic Republic	0.20	19'110.--
Latvia	0.28	26'754.--
Lebanon	0.20	19'110.--
Liberia	0.20	19'110.--
Libyan Arab Jamahiriya	0.40	38'220.--
Liechtenstein	0.20	19'110.--

(continued)

Members and Associate Members	Percentage	Amount of the contribution for 2001 (Swiss Francs)
Lithuania	0.30	28'665.--
Luxembourg	0.24	22'932.--
Malawi	0.20	19'110.--
Malaysia	0.30	28'665.--
Mali	0.20	19'110.--
Malta	0.20	19'110.--
Marshall Islands	0.20	19'110.--
Mauritania	0.20	19'110.--
Mauritius	0.20	19'110.--
Mexico	0.95	90'773.--
Monaco	0.20	19'110.--
Mongolia	0.20	19'110.--
Morocco	0.22	21'021.--
Mozambique	0.20	19'110.--
Namibia	0.20	19'110.--
Nepal	0.20	19'110.--
Netherlands	1.49	142'370.--
New Zealand	0.40	38'220.--
Nicaragua	0.20	19'110.--
Niger	0.20	19'110.--
Nigeria	0.30	28'665.--
Norway	0.67	64'019.--
Panama	0.20	19'110.--
Papua New Guinea	0.20	19'110.--
Paraguay	0.20	19'110.--
Peru	0.24	22'932.--
Philippines	0.25	23'888.--
Poland	0.60	57'330.--
Portugal	0.36	34'398.--
Republic of Korea	0.79	75'485.--
Republic of Moldova	0.30	28'665.--
Romania	0.34	32'487.--
Russian Federation	5.50	525'528.--
Rwanda	0.20	19'110.--
Samoa	0.20	19'110.--
San Marino	0.20	19'110.--
Sao Tome and Principe	0.20	19'110.--

(continued)

Members and Associate Members	Percentage Percentage	Amount of the contribution for 2001 (Swiss Francs)
Senegal	0.20	19'110.--
Singapore	0.30	28'665.--
Slovakia	0.28	26'754.--
Slovenia	0.27	25'799.--
South Africa	0.54	51'597.--
Spain	1.91	182'502.--
Sri Lanka	0.20	19'110.--
Suriname	0.20	19'110.--
Sweden	1.15	109'883.--
Switzerland	1.20	114'661.--
Syrian Arab Republic	0.23	21'977.--
Tajikistan	0.21	20'066.--
Thailand	0.29	27'710.--
The FYR of Macedonia	0.20	19'110.--
Togo	0.20	19'110.--
Tunisia	0.22	21'021.--
Turkey	0.43	41'087.--
Uganda	0.20	19'110.--
Ukraine	0.60	57'330.--
United Arab Emirates	0.37	35'354.--
United Kingdom	4.54	433'800.--
United Republic of Tanzania	0.20	19'110.--
United States of America	15.00	1'433'259.--
Uruguay	0.23	21'977.--
Uzbekistan	0.37	35'354.--
Venezuela	0.62	59'241.--
Viet Nam	0.20	19'110.--
Yemen	0.20	19'110.--
Yugoslavia	0.33	31'532.--
Zambia	0.20	19'110.--
Zimbabwe	0.20	19'110.--
Andean Parliament	0.02	1'911.--
Central American Parliament	0.01	956.--
European Parliament	0.10	9'555.--
Latin American Parliament	0.02	1'911.--
Parliamentary Assembly of the Council of Europe	0.06	5'738.--
		9'900'000.--

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

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account of* the observations and information provided by Mr. Saadi on 4 October 2000, by Mr. Tomasella on 26 August and 1 September 2000, and by the President of the Chaco Provincial Assembly and the Governor of Chaco on 11 October 2000,

*Recalling* that all the persons concerned claim to have been elected or designated in keeping with the national law to occupy one of the three seats in the Senate of the Nation allocated by the Constitution to each province; that, however, they have been prevented from taking their seats, the Senate either giving the seat to another person or leaving it vacant; they claim that the Senate's failure to incorporate them constitutes both a violation of their political rights and a violation of the right of their electorate to be represented by persons of their choice,

*Recalling furthermore* that Mr. Pavicich and Ms. Montenegro referred their case to the Inter-American Commission on Human Rights, which, in November 1999, declared it admissible and placed *'itself at the disposal of the parties for the purpose of reaching an amicable settlement'*; that Mr. Saadi also submitted a petition to the Inter-American Commission on Human Rights, receipt of which was acknowledged by the Commission on 7 April 1998 and consideration of which is still pending,

*Considering* that, in February 1999, Mr. Tomasella also referred his case to the Inter-American Commission on Human Rights,

*Considering* that, on 19 January 2000, responding to the invitation of the Inter-American Commission on Human Rights, Mr. Pavicich and Ms. Montenegro informed the Commission of their acceptance of that invitation; however, according to the President of the Chaco Provincial Assembly and the Governor of Chaco Province, the Senate has 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,

*Considering* that, on 5 July 2000, the President of the Justicialist Party Group in the Senate stated that the dialogue between the two political parties concerned was still under way, although no amicable solution changing the present situation had as yet been found; *considering*, however, that there are very divergent views regarding the existence of this dialogue,

*Noting* that, in the absence of any request from the Argentine delegation or interested parties, no hearing on this case was held at the Committee's session in Jakarta,

*Recalling* finally that Mr. Saadi was elected to the Chamber of Deputies in the 1999 legislative elections and sworn in, without any comment or challenge, on 10 December 1999; since “*the National Constitution contains no provision for different treatment of the members of the two Chambers in terms of qualifications and rights, conditions of eligibility and grounds for disqualification*”, he requested the Inter-Parliamentary Union to demand his immediate incorporation into the Senate; *considering* that he reiterated this request, adducing as an additional argument his election to the post of President of the Catamarca District Provincial Council of the Justicialist Party,

1. *Reaffirms* 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;
2. *Deeply regrets* that the Senate appears to have taken no steps to remedy this situation, which is detrimental to the stable and consistent application of the law to which the persons concerned are entitled, and *urges* it to heed the invitation extended to it by the Inter-American Commission on Human Rights with a view to seeking an amicable settlement;
3. *Takes note* of Mr. Saadi's renewed request that the IPU demand his incorporation into the Senate; *notes*, however, that no new circumstances have arisen such as to enable it to change its position that it is not competent to make such a demand, since it would be tantamount to ruling on how the Argentine Constitution should be interpreted;
4. *Requests* the Secretary General to communicate this decision to the new President of the Senate and the President *pro tempore* of the Senate who assumed office after the October 1999 election, to the sources and to the Inter-American Commission on Human Rights;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 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 Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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 and dissolved in 1996, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the information provided by a member of the Belarus delegation to the 104th Conference of the Inter-Parliamentary Union (October 2000),

*Also taking account* of the preliminary report on the visit to Belarus in June 2000 of the United Nations Special Rapporteur on the Independence of Judges and Lawyers,

*Recalling* the following information on file: Mr. Gonchar disappeared on 16 September 1999 and his whereabouts remain unknown; on 17 March 2000, Lenin District Court acquitted Mr. Klimov on two counts (commercial activity without licence and fraudulent obtaining of a loan) but found him guilty of overestimating construction works and sentenced him to six years' imprisonment in a hard-labour colony with confiscation of his property; the diagnosis reportedly established by the prison hospital in December 1999 shows, according to the sources, that Mr. Klimov's health has considerably worsened in detention; Mr. Koudinov is serving the seven-year prison term imposed on him after he was found guilty of bribery; Mr. Shchukin has on many occasions been subjected to arrest, short-term detention and heavy fines,

*Considering* that, according to information provided by the authorities in June 2000, about 13,000 prisoners, including Mr. Klimov and Mr. Koudinov, could already be covered in July and August 2000 by the law "*On Amnesty of some categories of persons who have committed crimes*"; Mr. Klimov could be released from imprisonment and Mr. Koudinov's prison term could be reduced by one year; moreover, under the new Penal Code expected to enter into force on 1 January 2001, Mr. Koudinov could be definitively released,

*Considering* the following information provided at the hearing held in Jakarta:

- (i) The investigation into Mr. Gonchar's disappearance is still under way but has remained fruitless; there are rumours that Mr. Gonchar may in fact be abroad and

preparing for the presidential election of 2001; public statements to this effect were made by Ms. Vinnikova, former president of the National Bank, who also disappeared but is reportedly living in London;

- (ii) Mr. Koudinov's sentence has been reduced by one year under the amnesty law; however, the amnesty has had no effect on Mr. Klimov as an appeal against the judgment handed down on him is still pending;
- (iii) The new Penal Code was adopted by Parliament but still needs to be ratified by the President; it is hoped that the Code will enter into force in January 2001; the new Code, which provides for lesser sentences for the crimes of which Mr. Koudinov and Mr. Klimov were convicted, may lead to Mr. Koudinov's release; however, he may only benefit thereunder if not found guilty of breaking prison rules, for example by failing to report for dinner, as he is wont to at present,

*Recalling* that, on the occasion of a hearing held at its 88th session (January 2000), the Committee was informed that the Prosecutor General, the Supreme Court and the Vice-Minister of the Interior were in favour of releasing Mr. Koudinov on the occasion of the adoption of the new Penal Code, expected at the time for July 2000, given that he was not socially dangerous and had already spent sufficient time in prison; the Vice-Minister of the Interior stated that he personally would submit an application for his release,

*Noting* that, in his preliminary report on his mission to Belarus in June 2000, the United Nations Special Rapporteur on the Independence of Judges and Lawyers stated that “*the independence of judges is threatened by the presidential power to appoint and dismiss most judges; ... the judiciary must not only be independent but must be seen to be so. Only then can it command the respect of the people and the international community. So long as the laws remain an impediment to such independence, the judiciary will remain and be seen to remain an extension of the executive*”,

1. *Thanks* the authorities and in particular the Belarus delegation for the information provided and their cooperation;
2. *Notes with satisfaction* that Mr. Koudinov's prison sentence has been reduced by one year; *deeply regrets*, however, that, contrary to previous statements by the authorities, Mr. Klimov has not been released, and *fails to understand* how a pending appeal can justify exclusion from an amnesty;
3. *Recalls* its concerns at the serious allegations that Mr. Klimov's right to fair trial may not have been respected, at the harshness of the sentence handed down on him, which it can but consider to be grossly disproportionate to the alleged offence, and at his poor state of health;
4. *Again urges* the authorities consequently to release him forthwith pending appeal;
5. *Notes with deep concern* that the Penal Code did not enter into force in July 2000; *trusts* that it will take effect in January 2001 and that Mr. Koudinov will be released;
6. *Recalls* the earlier opinion of the competent authorities that they are in favour of Mr. Koudinov's release as he is not “socially dangerous” and has already spent sufficient time in prison, and *trusts* that they will do their utmost to secure Mr. Koudinov's release, particularly since this would be in keeping with Article 15, paragraph 1, of the International Covenant on Civil and Political Rights, to which Belarus is a party;

7. *Notes with regret* that no progress has been made in the investigation into the disappearance of Mr. Gonchar, and *considers* this particularly worrying since the authorities do not seem to have explored information available to them to the effect that Mr. Gonchar is abroad;
8. *Requests* the Secretary General to convey this decision to the authorities and sources;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 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 - B. NTAMUTUMBA  
 CASE N° BDI/26 - N. NDIKUMANA  
 CASE N° BDI/29 - P. SIRAHENDA  
 CASE N° BDI/33 - A. NZOJIBWAMI  
 CASE N° BDI/35 - G. GISABWAMANA

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
 at its 167<sup>th</sup> session (Jakarta, 21 October 2000)*

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the information supplied by the Minister of Human Rights, Institutional Reforms and Relations with the National Assembly in his letter of 12 October 2000, and of that provided by the President of the Transitional National Assembly in his letter of 11 July 2000,

*Recalling* that Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu and Ms. Ntamutumba, all of whom were elected in 1993 on a FRODEBU ticket, were assassinated on 20 August 1994, 16 December 1995 and in April and May 1996, respectively; that Mr. Gisabwamana was shot dead on 20 December 1999; *also recalling* the failed attempts on the lives of Mr. Ndiokubwayo and Mr. Ntibayazi in September 1994 and February 1995, respectively; *recalling further* the “disappearance” on 1 August 1997 of Deputy Sirahenda, who, according to eyewitness reports, was abducted by military personnel in the market town of Mutobo and taken to Mabanda camp, where he is alleged to have been extrajudicially executed,

*Recalling* the following information on file concerning the stage reached in the investigation into:

- (i) The murder in August 1994 of Mr. Mfayokurera: according to information provided by the authorities on 10 April 1999, a case was opened under N° R.M.P.G. N°1427/NA; and a certain Parfait Havyarimana was charged, but the case against him was suspended *sine die* as no prosecution evidence had been gathered;
- (ii) The murder in December 1995 of Mr. Innocent Ndikumana: according to information provided by the authorities in May 2000, the assize chamber of Bujumbura Court, with which the case had been registered in June 1997, has referred the case back to the Prosecutor’s Office for additional investigation;

- (iii) The murder in April 1996 of Mr. Gahungu: according to information provided by the authorities in May 2000, the case is suspended *sine die* “for want of incriminating evidence”;
- (iv) The murder in May 1996 of Ms. Ntamutumba: differing information was provided by the authorities on the investigation: whereas the Minister for Human Rights reported in March 1998 that the case had been provisionally adjourned for want of evidence, the Minister of Justice stated in August 1999 that the investigation was still under way;
- (v) The disappearance in August 1997 of Mr. Sirahenda, reportedly extrajudicially executed: eyewitness accounts of his abduction in a military jeep allegedly exist; a special commission of inquiry was set up by the Prosecutor General to establish the truth; in August 1999, the Minister of Justice reported that it would seem “*that the leads are difficult to follow*”;
- (vi) 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;
- (vii) The attempts on the life of Mr. Ndiwokubwayo in September 1994 and December 1995: a case has been opened regarding the first attack; in April 1997, the authorities reported that the suspect in this case was Mr. Havyarimana, and in March 1998 they reported that one of several suspects was abroad and others in preventive detention, albeit for other crimes;
- (viii) The attempt on the life of Mr. Ntibayazi in early February 1995: no investigation was under way as no complaint had been lodged,

*Considering* the following new information on file regarding the above cases, as provided by the Minister of Human Rights and the President of the National Assembly, respectively, namely: (i) as regards the case of Mr. Gisabwamana, the presumed perpetrator of the crime has been taken into custody and the case is following its normal course; (ii) as regards the case of Mr. Mfayokurera, the investigations have resumed and the file was lodged with the Bujumbura assize chamber on 30 November 1997; *noting* that the Minister has not, however, provided any information about the outcome of the resumed proceedings,

*Considering* that, in response to its question about the possibility of an amnesty for Mr. Nephtali Ndikumana, who was sentenced *in absentia* in March 1997 to three years’ imprisonment for having denounced abuses reportedly committed by the Armed Forces, the authorities stated that the issue of an amnesty was to be decided in the context of the overall Arusha negotiations; *also considering* that, in his letter of 12 October 2000, the Minister of Human Rights stated that there was no possibility of a review of Mr. Ndikumana’s trial,

*Recalling* that three judicial cases had been pending against Mr. Nzojibwami, and *considering* that, according to information provided by the authorities, he had been acquitted in two cases and sentenced to a fine in the third, which he had paid, so that currently no proceedings were pending against him,

*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 for crimes and promoting equitable and reconciliatory justice; *mindful* in this connection 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 Minister of Human Rights, Institutional Reforms and Relations with the Transitional National Assembly, as well as the President of the Transitional National Assembly, for the information provided;
2. *Notes* that the case regarding Mr. Gisabwamana's murder is following its normal course, and *trusts* that justice will be done;
3. *Notes with deep concern* that in none of the other cases has justice so far been done, even where there is ample evidence of State responsibility, as in the case of Mr. Sirahenda; *fears* that this may indicate a lack of resolve on the part of the authorities to bring the culprits to justice, and that the State may consequently bear indirect responsibility for these crimes; *would therefore appreciate* any information regarding possible State compensation for the victims' families;
4. *Urges* the authorities once more to do their utmost, as their duty commands, to ensure that impunity does not prevail, and *reaffirms once again* that the fight against impunity - a task taken on by the transitional authorities - is a prerequisite for full restoration of the rule of law and respect for human rights in the country;
5. *Notes* that the question of an amnesty for cases such as that of Mr. Nephtali Ndikumana is included in the Arusha negotiations, and *would appreciate* information on the likelihood of such an amnesty being adopted in the near future;
6. *Reaffirms* that, in denouncing on behalf of his party what it believed to be abuses by the armed forces, Mr. Ndikumana was in fact exercising his right to freedom of speech and fulfilling his parliamentary mandate; *recalls also* that, at the time, similar criticism of the conduct of the armed forces had been voiced by the United Nations Special Rapporteur on Disappearance and Extrajudicial Executions; and *considers* that this adds weight to its call for an amnesty or annulment of the judgment handed down on Mr. Ndikumana;
7. *Notes* that no judicial proceedings are pending against Mr. Nzojibwami, currently Vice-President of the National Transitional Assembly, and consequently *decides* to close his case;
8. *Requests* the Secretary General to convey this decision to the competent authorities;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 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 Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the observations supplied by the Cambodian delegation to the 104th Conference of the Inter-Parliamentary Union (October 2000),

*Recalling* its consistent concern about 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, and that enjoyed by the perpetrators of the grenade attack on a demonstration in March 1997 led by Mr. Sam Rainsy in which a dozen people were killed and more than a hundred were injured,

*Recalling* that, as regards the attack of March 1997, the then Special Representative of the United Nations Secretary-General for Human Rights in Cambodia reported serious abnormalities in security arrangements for the demonstration, and that the attackers appeared to be acting with the complicity of the security personnel; *recalling further* that, according to a member of the Cambodian delegation to the 103<sup>rd</sup> Conference of the IPU, a second report on the attack had concluded that one of the attackers was a former member of the Cambodia People's Party (CPP) who had meanwhile joined Mr. Rainsy's party; an identikit likeness of that person had been prepared and international investigators were assisting the Cambodian authorities in the investigation,

*Noting* that the Cambodian delegation to the 104th Conference has undertaken to provide updated particulars of the results meanwhile obtained in the investigations into the attacks of October 1995 and March 1997,

*Recalling further* 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 protest against what the opposition viewed as electoral fraud, and that an arrest warrant was issued against him; the case has reportedly not been dropped but only suspended because he enjoys parliamentary immunity,

*Recalling also* that an arrest warrant, issued in September 1998 against 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 its cooperation and the observations it supplied; *regrets*, however, that the authorities have not responded to the many requests for information made to them;
2. *Looks forward* to urgently receiving information on the stage reached in the investigations into the grenade attack of October 1995 and that of March 1997;
3. *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;
4. *Reiterates its wish* to ascertain whether the judicial proceedings instituted in autumn 1998 against Mr. Kem Sokha and Mr. Sam Rainsy have been dropped or simply suspended on account of their parliamentary immunity, and to be provided with detailed information in this regard;
5. *Requests* the Secretary General to convey this decision to the competent authorities and seek the requested information;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 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 Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the communications from the Human Rights Unit of the Office of the Vice-President of the Republic dated 4 July and 13 October 2000, and of information provided by one of the sources on 14 September 2000,

*Taking account also* of the observations supplied by the former President of the Senate in his letter of 12 July 2000,

*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 investigations yielded any result, namely the identification of his murderers, two army non-commissioned officers (NCOs), Mr. Justo Gil Zúñiga Labrador and Mr. Hernando Medina Camacho, and their sentencing, on 21 December 1999, to 43 years' imprisonment, which they are said to be serving at the "Cuatro Bolas" military prison,

*Recalling* the consistent allegations that they are in fact frequently allowed out of prison and even engaged in military intelligence, thus able to mount operations of harassment, the sources having pointed in this connection to 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 an attempt, in December 1999, to kidnap the second daughter of the witness, in addition to the circumstances of the appearance of the two NCOs at the first appeal hearing, when they were reportedly accompanied by dozens of soldiers surrounding the court and were not handcuffed, and Mr. Medina Camacho used a mobile telephone in court,

*Considering* that, according to an article published in September 2000 in the Colombian magazine *Cambio*, the two NCOs are implicated in the killing of Lieutenant Talero Suárez, which was perpetrated on 14 July 1999, while they were supposed to be in preventive detention; the investigation under way moreover suggests that the killing was approved by the commander of the 13th Army Battalion, to which they belong,

*Considering* that, according to the Human Rights Office of the Vice-Presidency of the Republic, investigations into the death threats against Ivan Cepeda and his wife were launched but are still at the preliminary stage; as regards the disappearance of the wife and the daughter of the main witness in the Cepeda case, the Office was gathering information to establish the facts; it was also gathering information as to the use, by one of the NCOs concerned, of a mobile telephone in court,

*Recalling* that, on 28 June 1999, the Disciplinary Court (*Procuraduría*), had sentenced the two NCOs to a “*severe reprimand*”; in response to the IPU’s concerns regarding the leniency of such a sanction, the Office reported in its letter of 13 October 2000 that the draft Single Disciplinary Code, providing for removal from office or disqualification from holding public office in the event of grave human rights violations, had been approved by the competent Senate Committee and might now be up for approval by the plenary within 15 days, before submission to the House of Representatives,

*Recalling* that 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; in March 2000 Carlos Castaño Gil gave an interview on the private TV channel “Caracol” in which he denied having ordered Senator Jaramillo’s murder but admitted that he personally took decisions about who was to be “executed” by the Autodefensas (national organisation of paramilitary groups headed by him),

*Recalling* once more that international bodies, such as the Inter-American Commission on Human Rights and the United Nations High Commissioner for Human Rights, have concluded that, in its failure to apply an effective policy to combat paramilitary activity, the State bears responsibility for its current proportions and complexity; they have stressed the State’s obligation to fight impunity by taking the necessary steps to ensure that effective investigations are carried out with a view to punishing those responsible for human rights violations and breaches of international humanitarian law,

*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 execution 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,

*Considering* finally that, according to the former President of the Senate, Mr. Miguel Pinedo Vidal, the National Congress has adopted sufficient legislation to fight kidnappings and impunity; however, only by means of a comprehensive peace process involving all actors of political violence could the right of all to life and liberty be guaranteed,

1. *Thanks* the former President of the Senate for his observations; *also thanks* the Human Rights Office of the Vice-Presidency of the Republic for its constant cooperation;
2. *Is alarmed* that the murderers of Senator Cepeda may have participated in a killing while they were supposed to be in detention, and *can but consider* this to lend credence to the allegation that they enjoy privileges incompatible with their status as convicted prisoners;

3. *Urges therefore* the competent authorities to take without delay the necessary measures to ensure that the two NCOs serve their prison sentence under the conditions required by law, and *reiterates its wish* in this connection to ascertain whether they may be transferred to a civilian prison; *also urges* the authorities (a) to expedite the investigation into the death threats against Manuel Cepeda's son and daughter-in-law, (b) to do their utmost to ascertain without delay the whereabouts of the wife and daughter of the main witness in the Cepeda case, and (c) to investigate the attempt to kidnap his second daughter in December 1999;
4. *Infers* from the absence of any information about the investigations into the other murder cases that no progress has been made, which it deeply regrets; *regrets* in particular that the authorities have failed to date to act upon the arrest warrants issued in 1998 against Carlos Castaño Gil and others in the case of Mr. Jaramillo Ossa; *again urges* the authorities to do their utmost to arrest those persons as this would constitute an important step in the fight against impunity;
5. *Reiterates its wish* to be informed of the stage reached in the investigations regarding the other cases, including their possible shelving;
6. *Acknowledges* that the National Congress has adopted sufficient legislation to combat kidnappings and impunity; *observes*, however, that such legislation remains without effect if not put into practice; and *reaffirms* its conviction that restoring the rule of law is a prerequisite for the restoration of peace and respect for human rights, in particular the right of everyone to life and liberty;
7. *Reiterates its appeal* to the National Congress to do its utmost, as a guardian of human rights, to ensure that existing law is implemented and the rule of law respected;
8. *Requests* the Secretary General to bring this decision to the attention of the Colombian parliamentary authorities, the appropriate governmental authorities and the Office of the Vice-President of the Republic, and to seek the requested information from them;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

**CASE N° CO/09 - HERNAN MOTTA MOTTA - COLOMBIA*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account of* the information provided by the Human Rights Office of the Vice-Presidency of the Republic on 4 July 2000,

*Recalling* that, according to information provided by that Office in April 2000, the investigation into the death threats which forced Mr. Hernán Motta into exile and which is conducted by the Terrorism Unit of the Regional Directorate of Public Prosecutions in Bogotá is still at the preliminary stage; the Human Rights Office is, however, in the process of contacting members of the *Unión Patriótica* in a quest for new material that might advance the investigations,

*Recalling also* that, according to information on file, Mr. Motta's name was 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,

*Considering* that in reply to its requests for information on the adoption of the statute on the political opposition, provided for under Article 112 of the National Constitution, which, as the sources had stated, would foster greater respect for the rights of the political opposition, the Political and Electoral Affairs Division of the Ministry of the Interior stated that no such statute existed at present; however, the Constitution itself, together with Law N° 130 on political party statutes and Law N° 134 on mechanisms of political participation, contained a set of provisions guaranteeing political parties the right to exercise opposition activities, namely to criticise the Government openly and to develop political alternatives,

*Recalling finally* that, according to information provided by the Office of the Vice-Presidency of the Republic in April 2000, pursuant to the ruling of the Inter-American Commission on Human Rights that a petition complaining of persecution of the *Unión Patriótica* political party was admissible, a search for an amicable settlement is under way under the auspices of the Commission and resulted, in 1999, in an agreement on the establishment of a subcommittee to undertake investigations into presumed human rights violations against activists of that political movement; and that, to facilitate this task, "*the Attorney 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*”, in addition to 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. *Thanks* the Office of the Vice-Presidency of the Republic for its constant cooperation;
2. *Notes* with satisfaction that existing law provides for mechanisms guaranteeing the opposition freedom to exercise its political activity;
3. *Affirms*, however, that such guarantees can have no practical effect if perpetrators of crimes against opposition members enjoy impunity, and *stresses* that an essential means of protecting the rights of the opposition would be to shed light on crimes perpetrated against its members and bring the authors of such criminal acts to justice;
4. *Reiterates its earnest hope* that the new measures taken to investigate crimes against members of the *Unión Patriótica* will soon yield results, and *would appreciate* any information as to steps taken to identify the authors of the death threats against Mr. Motta, with a view to punishing them in accordance with the law;
5. *Calls once again on* the National Congress to do its utmost, both in the legislative field and within its function of overseeing the Executive, to ensure that the appropriate authorities effectively combat impunity and adequately investigate and punish human rights offenders;
6. *Requests* the Secretary General to convey this decision to the parliamentary and other appropriate authorities of Colombia 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 (April 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 Council of the Inter-Parliamentary Union  
 at its 167<sup>th</sup> session (Jakarta, 21 October 2000)*

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking note* of the information and observations provided by the Djibouti delegation to the 104<sup>th</sup> Conference of the Inter-Parliamentary Union; *also taking note* of information provided by one of the sources on 1 September 2000,

*Recalling* that Mr. Boulaleh Barreh, Mr. Mahamade Houmed and Mr. Bahdon Farah were found guilty on 7 August 1996 of insulting the President of the Republic and sentenced to six months' imprisonment, a fine and five years of deprivation of their civic rights; that they were consequently unable to participate in the parliamentary elections of December 1995 and the presidential elections of April 1999; *recalling also* that their trial went ahead despite a Constitutional Court ruling of 31 July 1996 that the lifting of their parliamentary immunity had been flawed,

*Recalling* its doubts about the fairness of the relevant trial proceedings and, in particular, its position as expressed in its previous resolutions 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 include the right to criticise the Executive,

*Considering* that Mr. Bahdon Farah's passport, which had been confiscated on several occasions, has now been returned to him,

*Recalling* that, 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; *bearing in mind* the view it took at its 166<sup>th</sup> session in Amman 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 were purely verbal,

*Considering* that, at the hearing held on the occasion of the Committee's session in Jakarta, the delegation of Djibouti reiterated that the Peace Agreement was the result of a dialogue between the Government and the rebellion and that nobody had thought of including cases such as those in question, with the result that the amnesty law adopted by the National Assembly concerned only persons having taken part in the rebellion,

*Considering further* that, according to the delegation, in any event the question of an amnesty for the former deputies ceased to be relevant as they were entitled to stand for the parliamentary elections scheduled for December 2002, since the five-year period of deprivation of political rights would have expired by then,

*Bearing in mind* that in its Article III, entitled "Of Democracy", the Peace Agreement 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,

1. *Thanks* the delegation of Djibouti for the information and observations it provided;
2. *Notes with satisfaction* that Mr. Bahdon Farah's passport has now been returned to him;
3. *Regrets* that its call for an amnesty for him and for Mr. Mahamade Houmed and Mr. Boulaleh Barreh has remained unheeded, and that the National Assembly has taken no measure to remedy this situation and to ensure that their former colleagues who exercised their right to freedom of speech by verbally attacking a State authority are at least placed on a par with those who took up arms against the Government;
4. *Considers* that, notwithstanding the approaching expiry of the period of deprivation of political rights imposed on them, granting such an amnesty would be an important demonstration of the prevailing spirit of reconciliation, which, it trusts, extends to the political opposition; and that such an amnesty would augur well for future democracy as called for in that Peace Agreement;
5. *Urges* the National Assembly to consider the adoption of such an amnesty in favour of their former colleagues as it did in the case of the armed rebellion;
6. *Requests* the Secretary General to convey this decision to the President of the Republic and the President of the National Assembly;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001), in the hope that by then it will have been notified of such a development.

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

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
 at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the June report of the Special Commission of Inquiry and the information it provided on 21 September 2000,

*Recalling* that Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, both belonging to the opposition *Movimiento Popular Democrático* (MPD), 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 investigation, carried out by the police and publicly announced on 19 February 1999 by the then President of the Republic, concluded that the motive for the killing was Jaime Hurtado's links with the Colombian guerrilla movement,

*Recalling also* that, on 20 April 1999, the Special Commission of Inquiry (SCI) set up by the Government to establish the facts of the case issued an information bulletin in which it described the findings of the police report as "*fabricated, incomplete and contradictory*"; the Judge, who was not assigned to the case until 10 months after the murder, has indeed discarded the initial police conclusions and is following other lines of inquiry,

*Considering* in this connection that, according to information supplied by the SCI in September 2000, evidence to date tends to reinforce its earlier assumption that Jaime Hurtado's investigations into corruption cases involving high-profile figures from both the banking and the political worlds may have been the motive for the crime,

*Considering further* that the Commission has consistently expressed its concern at the prosecution's poor performance in this case, which prompted it to make a formal request to the Prosecutor General's Office to investigate the conduct of its Pichincha district office,

*Recalling* that, according to the Special Commission, in cases of death of incumbent members of Parliament, their families have in the past been paid a pension; however, in the present case and despite pressing requests, this has not been done,

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

1. *Notes with deep regret* that the parliamentary authorities have not responded to the requests for information which the Secretary General addressed to them on its behalf;
2. *Reiterates* its belief that Parliament has a particular interest in ensuring that the murder of one of its members does not go unpunished since, in the last analysis, it stands as a threat to all other members of the National Congress and to society as a whole;
3. *Calls once more* on the National Congress to give active support to the judicial investigation and to the Special Commission of Inquiry, and *reiterates its wish* to ascertain whether the National Congress is competent to take legal action on behalf of its two assassinated members;
4. *Expresses concern* at the reports of the Special Commission of Inquiry that the Prosecutor General's Pichincha district office appears to lack interest in this case, and *urges* the competent authorities, including the National Congress, to ensure that the investigation is conducted with the requisite diligence and thoroughness;
5. *Recalls* that impunity constitutes a major threat to democracy and respect for human rights since it encourages the repetition of crime and undermines confidence in the administration of justice;
6. *Earnestly hopes* that the Government will follow past procedure regarding the payment of pensions on humanitarian grounds to the families of deceased MPs, particularly in view of the tragic circumstances of the death of the MPs concerned, and *would appreciate* notification of any decisions taken to this end;
7. *Requests* the Secretary General to convey this decision to the President of the National Congress, 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 (April 2001).

**CASEN° GMB/01 - LAMIN WAA JUWARA - GAMBIA**

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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, dissolved in 1994, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Referring also* to the report of the Secretary General on his on-site mission to the Gambia carried out from 15 to 17 June 2000 in pursuance of the decision it took at its 156<sup>th</sup> session (April/May 2000),

*Recalling* the following information on file:

- (i) On 29 July 1998, the High Court rejected Mr. Juwara's claim for compensation for the many arbitrary arrests and periods of detention he had suffered at the hands of officials acting under the authority of the Armed Forces Provisional Ruling Council (AFPRC), which took power after the dissolution of Parliament in 1994, and ruled that the alleged conduct of the defendants in this action was not subject to the jurisdiction of the courts, since Section 13 of Schedule 2 of the 1997 Constitution guaranteed members of the AFPRC and its officers and appointees immunity from prosecution in respect of any act or omission attributable to them under the AFPRC administration;
- (ii) Mr. Juwara was once again arrested at his home without an arrest warrant on the night of 18 May 1998 and held incommunicado until the Supreme Court ordered his release on bail on 8 June 1998. On the night of his arrest, Mr. Juwara was subjected to severe ill-treatment by security agents, sustaining serious injuries as a result; he was reportedly denied any medical care while in prison;
- (iii) In June 1998 Mr. Juwara, together with others, was arraigned in Brikama Magistrate's Court and charged with "*conspiracy to cause unlawful damage to property*" and "*causing unlawful damage to property*" on account of "*wilful and unlawful damage to construction works at the Brikama Mosque*"; on 22 February 1999, the Brikama Magistrate's Court acquitted them, ruling that there was no case to answer; the State nevertheless filed an appeal against that judgment,

*Considering* the following points made and information brought to light by the mission:

- (i) The authorities acknowledge that Section 13 of Schedule 2 of the 1997 Constitution indeed grants impunity to those involved in the arbitrary arrests and detentions of Mr. Juwara and bars him from obtaining compensation; the Speaker took note of

the fact that Parliament has the power to adopt a law to grant compensation to victims of human rights violations;

- (ii) According to Mr. Juwara, repairs to the Brikama mosque, which involved erecting two pillars in front of the mosque, were initiated without the knowledge of the Imam and the Committee of Elders and during the Imam's absence; the Imam ordered the pillars to be taken down when he returned to Brikama on 17 May 1998; Mr. Juwara claims to have been unaware of those events until his own arrest in the evening of the following day when a police intervention unit, accompanied by personnel from the National Intelligence Agency, arrived at his home and took him to the local police station;
- (iii) During his transfer from the police station to the Central Precinct Mile Two Prison, the car carrying him was stopped at the Denton Bridge police checkpoint, where he was taken out and severely mistreated by several individuals armed with wires and sticks who assaulted and beat him for almost 30 minutes; Mr. Juwara affirms they were "political thugs" belonging to the "22 July Movement" and that one of them was its leader, Mr. Baba Jobe;
- (iv) After the incident, Mr. Juwara was taken to the maximum security wing of Central Precinct Mile Two Prison, where he was kept incommunicado and had to sleep on a bare cement floor; despite his severe injuries, he was not given any medical treatment; Mr. Juwara further alleges that the then Secretary of State of the Interior visited him in the morning of 18 May without making any statement; he was subsequently brought late one evening to the magistrates court in Serekunda, where the judge ordered medical treatment, but still he received none; furthermore, since he had already been detained for more than the legal 72 hours without having been charged, the judge ordered that he be so charged or otherwise released; nevertheless, he was remanded to the prison and continued in incommunicado detention until 8 June 1998, when he was finally released on bail;
- (v) Immediately after his release, Mr. Juwara underwent a medical examination and obtained a medical certificate attesting to the injuries he had suffered; Mr. Juwara affirms he provided a copy of this medical certificate to the Attorney General within two weeks of his release; he had also at that time made several press statements, and many articles in several newspapers reported on his arrest and beating in considerable detail;
- (vi) The authorities confirmed that detention without charge for more than 72 hours was indeed unlawful and stated that every effort was being made to avoid any recurrence of such incidents;
- (vii) The authorities stated that there had been no investigation into Mr. Juwara's ill-treatment on the grounds that no complaint had been lodged;
- (viii) According to the Attorney General, Brikama Magistrate's Court had erred in law when dismissing the case since the court was only required to find *prima facie* evidence, which, according to him, was clearly available; he stated that a judicial reform was under way in the Gambia which would ensure that treatment of this case could be expedited,

*Considering* that, according to Mr. Juwara, the Brikama Mosque case was scheduled for 17 October 2000,

*Bearing in mind* that the Gambia is a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, both of which guarantee freedom from arbitrary arrest and detention, in addition to freedom from torture and ill-treatment; that these rights are also enshrined in the Constitution of the Gambia, Section 4 of which stipulates that "...

*any other law found to be inconsistent with any provision of this Constitution shall, to the extent of its inconsistency, be void*"; considering that, according to Decree 31 (National Goals and Objectives Decree, 1995), adherence to the principles and objectives of, *inter alia*, the United Nations "shall remain the cornerstone of the foreign policy of the Gambia",

1. *Thanks* the authorities of the Gambia for having received the Secretary General and agreed to share their views with him; *thanks* in particular the Speaker of the National Assembly for his assistance and the efforts made to arrange the meetings with the Government authorities;
2. *Can but reiterate*, in view of the observations made by the authorities to the Secretary General, its concern that Section 13 of Schedule 2 of the 1997 Constitution has the effect of granting impunity to members of the AFPRC 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;
3. *Stresses* that under Article 9 of the International Covenant on Civil and Political Rights, to which the Gambia is a party, "anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation", and *invites* the Parliament to consider adopting a law whereby compensation could be paid to victims of human rights abuses;
4. *Expresses deep concern* that, contrary to the assurances it had previously received from the then Attorney General, no police investigation is being carried out into the reliable allegation that Mr. Juwara was ill-treated while in the custody of the State;
5. *Recalls* that the Gambia, as a party to the International Covenant on Civil and Political Rights, has a duty to conduct prompt and impartial investigation whenever there are reasonable grounds for believing that an act of torture has been committed in any territory under its jurisdiction, and *urges* the competent authorities to launch an investigation into Mr. Juwara's ill-treatment forthwith;
6. *Calls* on the National Assembly of the Gambia, as a guardian of the human rights of the people it represents, to ensure that the executive authorities fulfil their obligations under international law to which the Gambia has subscribed;
7. *Notes* that an appeal hearing in the Brikama Mosque case was scheduled for 17 October 2000, and *wishes* to ascertain its outcome;
8. *Requests* the Secretary General to convey this decision to the parliamentary and governmental authorities as well as to Mr. Juwara;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

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

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Referring also* to the report of the Secretary General on his on-site mission to the Gambia carried out from 15 to 17 June 2000 in pursuance of the decision it took at its 166<sup>th</sup> session (April/May 2000),

*Considering* the following information on file:

- (i) Mr. Jallow was detained without charge several times in 1994 and 1995. A Commission of Inquiry, set up to investigate charges of corruption among public office holders prior to the July 1994 military takeover, found Mr. Jallow guilty of some financial improprieties and recommended, in addition to two minor financial sanctions, that he be debarred from holding public office for five years. The findings of the commission were never made public. Instead the Government issued a White Paper in which it increased the sanctions against Mr. Jallow. It confirmed that he should be debarred from holding public office for five years;
- (ii) Mr. Jallow is at present banned under Decree 89 (Political Activities Resumption Decree, 1996) from “(...) *participating in any political activity or in sponsoring any (a) person contesting any election for a political office, (b) political party, or (c) political organisation*”; the Decree bans for an indefinite period from any such activity, among others, “*all persons who held the offices of President, Vice-President and Ministers in the Government of the Republic of the Gambia during the thirty years preceding 22 July 1994*”; under its Article 4, paragraph 1, “*any person who contravenes this Decree commits an offence and shall on conviction be liable to imprisonment for life*”;
- (iii) In August 1998, the parliamentary opposition tabled an amendment in Parliament to abolish the Decree by means of an Act amending the “*Political Activities Resumption Decree*” with the express aim of bringing the law into conformity with the Constitution’s fundamental human rights guarantees; it failed, however, to obtain the requisite majority in Parliament;
- (iv) On 8 July 1999, Mr. Jallow filed a lawsuit in the High Court of the Gambia 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,

*Considering* the information provided by the Attorney General, on the occasion of the Secretary General's mission, that the White Paper decisions were final and not open to review because (a) Schedule 2 of the 1997 Constitution barred any court from hearing a case contesting the legality or content of this decision; (b) Decree 76 had the effect of making the White Paper final and thus no longer subject to review; (c) there was no provision in the 1997 Constitution that empowered the President of the Republic of the Gambia to review decisions of that nature; he was therefore firmly of the view that there was no redress available to Mr. Jallow,

*Considering*, on the other hand, that other sources interviewed during the mission gave several examples of the initial decision reflected in the White Paper subsequently being ignored, including the case of the Attorney General in the pre-1994 government who, like Mr. Jallow, had been barred from holding public office for five years but who before the expiry of those five years had been appointed to the Supreme Court, where he is now the most senior judge after the Chief Justice,

*Noting* that, on 11 May 2000, the judge hearing the case in which Mr. Jallow is seeking a judicial interpretation of Decree 89 issued a ruling in which he dismissed the suit on the grounds that the court was not competent to hear the case by virtue of the provisions of Schedule 2 of the 1997 Constitution; in his ruling the judge relied in particular on paragraph 13(3) of that Schedule, which reads: *“For the avoidance of doubt, it is declared that no action taken or purported to have been taken in the exercise of the Executive, legislative or judicial power by the Armed Forces Provisional Ruling Council or a member thereof or any person appointed by the Armed Forces Provisional Ruling Council except judges of the Supreme Court or the Court of Appeal, shall be questioned in any proceedings whatsoever and, accordingly, it shall not be lawful for any court or tribunal to make any order or grant any remedy or relief of such act.”*,

*Further noting* that an appeal against the High Court's decision was lodged with the Court of Appeal on 16 May and that proceedings are now before the High Court regarding settlement of records before the documents can be prepared and submitted to the Court of Appeal; the case may be heard in October 2000,

*Considering* the opinion expressed by the Attorney General that the Supreme Court was competent to hear a case concerning an alleged inconsistency between any law in the country, including Decree 89, and a particular provision of the Constitution; in his view Decree 89 was not unconstitutional since, notwithstanding the guarantees for political rights in the Constitution, any country was entitled to exclude certain individuals from political activities because of abhorrent acts committed or views defended by them,

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

1. *Thanks* the authorities of the Gambia for having received the Secretary General and agreed to share their views with him;
2. *Is dismayed* to learn that there seems to be no recourse available to Mr. Jallow for review of the sanctions imposed on him in the White Paper, particularly since exceptions

seem to have been made in the past in other cases, and *urges* the competent authorities to undertake a similar review in this case;

3. *Remains deeply concerned* at Decree 89, which deprives parties and specific persons, including Mr. Jallow, of their civil and political rights with the effect of annulling their human rights and fundamental freedoms guaranteed to them under the Constitution of the Gambia and the international human rights instruments to which it has subscribed;
4. *Is concerned* at the reasoning contained in the decision of the High Court of the Gambia on the case brought by Mr. Jallow seeking an interpretation of Decree 89 and a declaration that he is entitled to exercise the fundamental human rights guaranteed under the 1997 Constitution; if upheld, that reasoning would imply that Article 4, Chapter II, of the Constitution of the Gambia stipulating that “*the Constitution is the supreme law of the Gambia and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void*” could not be enforced with regard to Decree 89, nor could the right contained in Article 5 to bring an action in court to this effect be upheld;
5. *Notes therefore with interest* the statement by the Attorney General to the effect that the Supreme Court is indeed competent to hear cases relating to the unconstitutionality of laws, Decree 89 included;
6. *Notes further* that an appeal has been lodged against the High Court's decision, and *expresses the hope* that the case can be heard as soon as possible;
7. *Trusts* that the Gambian judiciary will rule on the question in conformity with constitutional law and the international human rights norms to which the Gambia has subscribed;
8. *Requests* the Secretary General to convey this decision to the parliamentary and government authorities as well as to Mr. Jallow;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

**CASE N° GMB/04 - BUBA SAMURA - GAMBIA*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

The Council of the Inter-Parliamentary Union,

*Having before it* the case of Mr. Buba Samura, an incumbent member of the National Assembly of the Gambia, 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,

*Also taking note* of the report of the Secretary General on his mission to the Gambia from 15 to 17 June 2000,

*Considering* that, on 10 and 11 April 2000, student demonstrations took place and turned violent with armed individuals shooting at the students and killing several of them; Mr. Buba Samura, an opposition member of the National Assembly, was arrested on 11 April 2000 by a National Intelligence Agency (NIA) police officer while travelling from Brikama to Banjul and was taken to Brikama police station, where a person allegedly belonging to the ‘*22 July Movement*’ identified him as somebody who should be detained because he supported the demonstrators, which Mr. Samura denied; he was then taken to the commanding officers, who asked the alleged member of the ‘*22 July Movement*’ to find a witness who could identify Mr. Samura as a supporter of the demonstrators; meanwhile, Mr. Samura was ordered to sit in the sun for the next four hours, after which a person came up and confirmed that he, Mr. Samura, was the person who had expressed support for the demonstrators, which he again denied; he was then transferred to army headquarters and from there taken by National Intelligence Agency staff to NIA Headquarters, where he was placed in detention,

*Considering* that Mr. Samura was kept incommunicado in a bare mosquito-ridden concrete cell without any toilet facility and given food only once a day; he was released on 17 April 2000,

*Recalling* that, according to Article 19 of the Constitution of the Gambia, any person arrested or detained must be informed within three hours at most of the reasons for the arrest and of his or her right to legal counsel, and must be brought before a court within 72 hours,

*Also recalling* that the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights, to which the Gambia is a party, prohibit arbitrary arrest and detention,

1. *Expresses deep concern* at the arrest and detention of Mr. Samura, which it can but consider to be arbitrary given that he was held without charge far beyond the constitutional 72-hour limit;
2. *Recalls* that, under Article 9, paragraph 1, of the International Covenant on Civil and Political Rights, to which the Gambia has subscribed, any victim of unlawful arrest or detention shall have an enforceable right to compensation;
3. *Wishes to ascertain* whether the NIA Headquarters is a legally authorised detention centre, and *recalls* that, under the international human rights norms to which the Gambia has subscribed, detained persons must be held in authorised detention centres;
4. *Expresses concern* at the scant respect shown by the administrative authorities for the National Assembly, whose authorities remained unaware of the fate of one of its members until his release;
5. *Requests* the Secretary General to convey this decision to the competent Gambian authorities;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

**GUINEA**

**CASE N° GUI/01 - MAMADOU BHOYE BA**

**CASE N° GUI/02 - MAMADOU BARRY**

**CASE N° GUI/03 - T. OUSMANE DIALLO**

**CASE N° GUI/05 - EL-HADJ A. MADY KABA \***

**CASE N° GUI/06 - KOUMAFING KEÏ TA \***

**CASE N° GUI/07 - MAMADY YÖ KOUYATE**

**CASE N° GUI/08 - IBRAHIMA KALIL KEÏ TA**

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of 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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Recalling* the following information on file:

- (i) On 24, 25 and 29 March 1998, Mr. Mamadou Bhoeye Ba, Mr. Mamadou Barry and Mr. Thierno Ousmane Diallo, respectively, all members of the opposition, were arrested without their parliamentary immunity having been previously lifted and accused of participating in or inciting a popular uprising which occurred on 23 March 1998 in the Kapororail neighbourhood of Conakry; in resolution N° 001/AN/98, the National Assembly sought - in vain - the suspension of the preventive detention of the deputies concerned; following a trial reportedly flawed by serious irregularities, Mr. Barry and Mr. Diallo were sentenced, on 8 June 1998, to five months' imprisonment and a fine, while Mr. Ba was sentenced to two months' imprisonment; Mr. Ba, Mr. Barry and Mr. Diallo were released on 8 June, 25 August and 27 August, respectively, after serving their sentences;
- (ii) Mr. El-hadj Amiata Mady Kaba, a member of the High Court of Justice, Ms. Koumafing Keï ta, Mr. Mamady Yö Kouyate and Mr. Ibrahima Kalil Keï ta were arrested on 18 and 20 December 1998 following a peaceful demonstration calling for the release of Mr. Alpha Condé (see Case N° GUI/04). The National Assembly having been informed of none of those arrests, they were effected without any lifting of parliamentary immunity; the MPs concerned were held for three months in Kankan Central Prison and state that they suffered serious physical maltreatment during their detention; on 16 March 1999 they were sentenced by the Kankan Court of First Instance to four months' imprisonment and a fine of 150,000 Guinean francs each for disturbing the peace and holding an unauthorised demonstration,

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\* Deceased.

*Recalling* that the Committee's on-site mission which went to Conakry in January 2000 gathered information and documents heightening the concerns it had voiced earlier 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,

*Considering* that the information provided by the Guinean delegation to the 104th Conference (October 2000) shows that there have been no new developments to indicate that the authorities have taken account of the concerns voiced by the Inter-Parliamentary Union in this case,

*Noting* that, according to the delegation, parliamentary elections are scheduled for late November 2000,

*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,

1. *Reaffirms* its concerns regarding the circumstances of the arrest and detention of the MPs in question without prior lifting of their parliamentary immunity, the characterisation of a crime or offence as *flagrante delicto*, and failure to respect the prerogatives of the National Assembly and the right to fair trial;
2. *Remains deeply concerned* at the lack of any decision from the authorities to launch investigations into the concurring declarations of the MPs concerned that they were ill-treated while in prison, and *points out* that, Guinea being a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Guinean authorities are under an obligation to investigate such allegations;
3. *Can but reiterate its deep concern*, as the world organisation of national Parliaments, at the evident lack of respect shown by the Government of Guinea for the National Assembly and its members, and *calls on* the Government to respect the prerogatives and powers of the other State branches since there can otherwise be no rule of law;
4. *Trusts* that the MPs concerned will not encounter any obstacles in standing in the parliamentary elections scheduled for late November 2000;
5. *Requests* the Secretary General to convey this resolution to the President of the National Assembly, the Prime Minister and the Minister of Justice, inviting them to provide information on any progress, in addition to a copy of the videocassette said by the lawyers of the MPs concerned to exist of the entire Kaporo-rail trials;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

**CASE N° GUI/04 - ALPHA CONDÉ - GUINEA*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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 and candidate in the 1998 presidential election, and President of the opposition *Rassemblement du Peuple de Guinée* (RPG), as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the report of the trial observers who followed the proceedings in Mr. Condé's case at the request of the Committee on the Human Rights of Parliamentarians,

*Recalling* that Mr. Alpha Condé, a candidate in the presidential elections of December 1998, was arrested on 15 December 1998, prior to the announcement of the provisional election results, presumably *in flagrante delicto* and hence without any previous lifting of his parliamentary immunity, for “*attempting to leave the country clandestinely*” and “*deliberately assaulting and injuring an officer of the law*”; he was charged in January 1999 with “*attempt to cross borders, fraudulent export of foreign currency, attempt to recruit mercenaries and breach of State security*”,

*Considering* that his trial opened on 12 April 2000 and ended on 11 September 2000, when he was sentenced to five years' imprisonment on being found guilty of all the charges against him,

*Considering* that the on-site observers mandated by the Committee had not the slightest doubt in considering that the sentence was the outcome of proceedings which had patently failed to respect the standards of fair trial as defined in national standards and in international treaties ratified by Guinea,

*Noting* in particular that several of the defendants stated during the debates that they had been tortured, either to extort confessions or to oblige them to testify against Alpha Condé and so strengthen the prosecution's case; their testimony was invoked against Alpha Condé while at the same its lack of reliability was invoked to acquit other defendants,

*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 from arbitrary arrest and detention, the right to freedom from torture and ill-treatment, and the right to fair trial,

1. *Commends* the trial observers on their report, and *fully endorses* its conclusions;
2. *Calls therefore* on the authorities to release Mr. Condé and his co-defendants immediately and unconditionally;
3. *Urges* the authorities to launch investigations without further delay into the reliable allegations of torture and ill-treatment and to bring to justice, as their duty commands, those responsible for such abhorrent criminal acts proscribed under national and international law;
4. *Also urges* the authorities to take the necessary measures to ensure that any court operating in Guinean territory offers the necessary guarantees of independence and impartiality, even when trying crimes and offences against State security;
5. *Requests* the Secretary General to convey this decision to the competent authorities and 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 (April 2001).

**CASE N° HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the information provided by the Office of the National Commissioner for Human Rights on 12 July 2000,

*Recalling* the following information on file:

- (i) 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;
- (ii) 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;
- (iii) 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 declaring his presumed death,

*Considering* that the Office of the National Commissioner for Human Rights is continuing to monitor the investigation in this case; the Office was informed by the Prosecutor that an international arrest warrant had been issued on 5 June 2000, through Interpol for Mr. Jaime Rosales and that the General Directorate of Population and Migration has been asked for particulars of dates on which he left and re-entered the country,

*Recalling* further that, in compliance with a ruling of the Inter-American Commission on Human Rights, the President of the Republic ordered the payment of compensation to the families of 12 disappeared or extrajudicially executed persons, including that of Mr. Pavón,

1. *Thanks* the Office of the National Commissioner for Human Rights for its consistent cooperation;

2. *Reaffirms* that the payment of compensation does not dispense the State from establishing the truth and dispensing justice;
3. *Notes therefore with satisfaction* that the investigation into the murder of Mr. Pavón Salazar is being pursued, and *would appreciate* being kept informed of the progress made and results obtained;
4. *Would appreciate* information as to whether Mr. Quiñones has officially been declared dead;
5. *Regrets* the failure of the National Congress to respond to the requests for information addressed to it through the Committee on the Human Rights of Parliamentarians, and *calls upon* it once more to continue monitoring the relevant proceedings so as to ensure that the murder of one of their former colleagues does not go unpunished; *invites* the National Congress once again to provide information on any measures it may have taken to this end;
6. *Requests* the Secretary General to inform the National Congress and the National Commissioner for Human Rights of this decision, inviting them to keep the Committee informed of progress in the relevant investigations;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

**CASEN° MAL/15 - ANWAR IBRAHIM - MALAYSIA*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000) \****

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the observations supplied by the Malaysian delegation to the 104<sup>th</sup> Conference of the Inter-Parliamentary Union (October 2000), together with information provided by the source on 7 July and 12 September 2000,

*Recalling* the following information on file:

- (i) After his arrest in September 1998, Mr. 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 and sentenced to two months’ imprisonment; he was granted bail pending appeal;
- (ii) 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 police in 1997 to intimidate two people into withdrawing sexual allegations against him. Mr. Ibrahim has now appealed to the last instance, the Federal Court;
- (iii) Mr. Karpal Singh, Ibrahim's defence counsel, stated in court on 10 September 1999 regarding Anwar Ibrahim’s alleged arsenic poisoning: “*It could well be that someone out there wants to get rid of him [...] even to the extent of murder. I suspect that people in high places are responsible for the situation*”; while Kuala Lumpur University Hospital (HUKM) concluded in its expert opinion that Anwar Ibrahim did not show classical clinical signs of acute or chronic arsenic poisoning, it stated that Anwar Ibrahim had developed “*a number of medical problems and recommended that HUKM [...] continue to assess and follow up on the patient's health status ...*”.

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\* The Malaysian delegation expressed reservations about the resolution adopted by the Council of the Inter-Parliamentary Union.

*Considering* that both the trial judge and the Attorney General treated the statement made by Mr. Karpal Singh with appropriate concern and agreed that an independent medical investigation was essential, a decision which did not seem inappropriate in the light of Mr. Ibrahim's worsening state of health; that almost a month later, however, on 8 October 1999, the Attorney General authorised the prosecution of Mr. Singh for sedition; that Mr. Singh was granted bail and his case was adjourned to 24 October 2000 for a “*mention on points of law*”,

*Considering* the rejection on 5 September 2000 by the Malaysian Court of Appeal of the appeal of Mr. Zakaria, one of Anwar Ibrahim's defence counsel, against his three-month “*contempt of court*” jail sentence for having presented in court an affidavit to the effect that the prosecution had attempted to fabricate evidence against Mr. Ibrahim; *recalling* in this connection the many instances of harassment of Anwar Ibrahim's defence lawyers referred to in the Committee's report,

*Considering* that, on 8 August 2000, the Kuala Lumpur High Court found Mr. Ibrahim and his adoptive brother, Mr. Sukma Darmawan, guilty of sodomy and sentenced them to nine and six years' imprisonment, respectively, which Anwar Ibrahim will have to serve consecutively with his other six-year term,

*Considering* that the conviction was based primarily on contradictory statements given by Mr. Azizan Abu Bakar, Mr. Ibrahim's chauffeur, and the “confession” of Ibrahim's adoptive brother Mr. Darmawan, which he had retracted; Mr. Darmawan stated in court that his “confession” had been obtained under duress, detailing that he was stripped naked, slapped, subjected to humiliating verbal abuse, being forced to simulate homosexual acts and threatened with indefinite detention; without ordering an independent investigation, the judge accepted the police's denial of any abuse and ruled that the confession had been made voluntarily,

*Recalling* in this connection that two other men, Mr. Munawar Anees, a distinguished Pakistani academic, and Mr. Mior Abdul Razak, a fashion designer, both of whom had been detained earlier because of their close association with Anwar Ibrahim, stated publicly that they were coerced by police into confessing to a sexual relationship with Anwar Ibrahim,

*Considering* that, according to one of the sources, Mr. Ibrahim had to go on a hunger strike to obtain permission for his mother, who was ill, to visit him in prison; *noting* that, according to the Malaysian delegation, Mr. Ibrahim is treated like any other prisoner and even enjoys preferential treatment,

*Considering finally* that, according to the Malaysian delegation, Mr. Anwar Ibrahim has been found guilty and sentenced in accordance with the law,

1. *Thanks* the Malaysian delegation for its cooperation and the observations it provided;
2. *Is alarmed* at the sentencing of Mr. Ibrahim and Mr. Darmawan to nine and six years' imprisonment, respectively, particularly in view of the reliable allegations concerning the use of coerced statements of witnesses;
3. *Reaffirms* that the ill-treatment of Mr. Ibrahim while he was in police custody lends credence to the allegations of coercion of witnesses' statements;
4. *Emphatically recalls* that, under international human rights standards, allegations of coerced testimony must be promptly and independently investigated, and that they prohibit the use of evidence obtained under duress;

5. *Is appalled* at the sedition charges brought against Mr. Karpal Singh and the three-month prison sentence against Mr. Zakaria, which was upheld on 5 September 2000 by the Court of Appeal; *reaffirms* that the legal action taken against the defence counsel strikes at the very heart of the right to fair trial and goes against not only the United Nations Basic Principles on the Role of Lawyers but also Commonwealth jurisprudence, which both recognise that lawyers shall enjoy immunity from prosecution for statements made in court;
6. *Can but reiterate its fear*, in view of the information on file, that the motives for Anwar Ibrahim's prosecution on both the corruption and the sodomy charges were not of a legal nature and that his case was built on a presumption of guilt;
7. *Remains concerned* at the conclusion of Kuala Lumpur University Hospital that Anwar Ibrahim's state of health has considerably worsened in detention, and *calls on* the authorities to release him pending appeal against the judgments handed down on him;
8. *Requests* the Secretary General to convey this decision to the appropriate Malaysian authorities;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

## MYANMAR

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/109 - THAN AUNG
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/110 - TIN MIN HTUT
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/113 - AYE THAN
CASE N° MYN/36 - MYINT NAING	CASE N° MYN/114 - OHN NAING
CASE N° MYN/60 - ZAW MYINT MAUNG	CASE N° MYN/115 - THEIN ZAN
CASE N° MYN/64 - DAVID HLA MYINT	CASE N° MYN/116 - NYUNT HLAING
CASE N° MYN/68 - AUNG KHIN SINT	CASE N° MYN/118 - THAN NYEIN
CASE N° MYN/71 - KYI MYINT	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/84 - SOE THEIN	CASE N° MYN/120 - SAN SAN
CASE N° MYN/85 - KHUN MYINT HTUN	CASE N° MYN/122 - MIN SOE LIN
CASE N° MYN/86 - AYE SAN	CASE N° MYN/123 - NAN KHIN HTWE MYINT
CASE N° MYN/87 - DO HTAUNG	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/88 - CHIT HTWE	CASE N° MYN/133 - YAW HSI
CASE N° MYN/89 - MYO NYUNT	CASE N° MYN/134 - MIN KYI WIN
CASE N° MYN/100 - HLA MYINT	CASE N° MYN/135 - NAI TUN THEIN
CASE N° MYN/101 - SAW OO REH	CASE N° MYN/136 - SAW MRA AUNG
CASE N° MYN/102 - HLA MIN	CASE N° MYN/137 - KHIN MAUNG KYI
CASE N° MYN/104 - KYAW KHIN	CASE N° MYN/138 - TOE PO
CASE N° MYN/105 - KYIN THEIN	CASE N° MYN/139 - SOE MYINT
CASE N° MYN/108 - MIN SWE	
CASE N° MYN/10 - WIN HLAING <sup>5</sup>	CASE N° MYN/111 - SAW LWIN <sup>1</sup>
CASE N° MYN/13 - NAING NAING <sup>1</sup>	CASE N° MYN/112 - HLA WIN <sup>1</sup>
CASE N° MYN/26 - HLA TUN <sup>1</sup>	CASE N° MYN/117 - KYAW MYINT <sup>1</sup>
CASE N° MYN/28 - TIN AUNG AUNG <sup>1</sup>	CASE N° MYN/121 - TIN OO <sup>1</sup>
CASE N° MYN/41 - ZAW MYINT <sup>1</sup>	CASE N° MYN/125 - MAHN KYAW NI <sup>1</sup>
CASE N° MYN/42 - MYA WIN <sup>1</sup>	CASE N° MYN/126 - TUN WIN <sup>1</sup>
CASE N° MYN/73 - FAZAL AHMED <sup>1</sup>	CASE N° MYN/127 - BO HTWAY <sup>1</sup>
CASE N° MYN/103 - TIN AUNG <sup>1</sup>	CASE N° MYN/128 - THA AUNG <sup>1</sup>
CASE N° MYN/106 - KYAW TIN <sup>1</sup>	CASE N° MYN/130 - TIN WIN <sup>1</sup>
CASE N° MYN/107 - SAN MYINT <sup>1</sup>	

## 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

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<sup>5</sup> MPs who have allegedly been released upon serving their sentence.

***Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the above-mentioned elected members of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of information provided by representatives of the sources at the hearing held on the occasion of the 104th Conference (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 then State Law and Order Restoration Council (SLORC), the National League for Democracy, 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 more than 50 MPs-elect are currently in jail and that approximately 200 MPs elect are held in what the authorities refer to as "guesthouses"; that MPs-elect continue to be arrested: on 24 March 2000, U Aya Tha Aung was arrested and sentenced to 21 years' imprisonment; in August and September 2000, respectively U Tin Oo, the NLD's Executive Chairman and U Saw Naing Naing were arrested following an attempt by the NLD Secretary General, Aung San Suu Kyi, and U Tin Oo, to attend party meetings outside Yangon,

*Considering* that conditions of detention in Myanmar are reported to be harsh and to include cruel disciplinary practices and torture, lack of proper medical care and insufficient food, in addition to forced labour; under such conditions, Kyaw Min died on 1 July 1999 of hepatitis contracted in prison, Tin Maung Win on 18 January 1991, Khin Maung Gyi on 8 February 1991, Hla Than on 2 August 1996 and Saw Win on 7 August 1998; *also considering* in this connection that, according to Amnesty International, U Soe Thein, who has been detained since 1996 under the State Protection Law, may be seriously ill with stomach and heart disease,

*Recalling* that, in May 1998, the National League for Democracy and other parties requested the ruling SPDC (State Peace and Development Council) to convene Parliament and, their

request being disregarded, established on 1 September 1998 the Committee Representing the People's Parliament (CRPP), temporarily to represent Members of Parliament elected in 1990 and prevented by the authorities from exercising the mandate conferred on them by the people of Myanmar in 1990; it decided on 16 September 2000 to draft a national Constitution, notwithstanding the SPDC law X/96 which punishes anyone drafting a constitution without its approval with imprisonment of up to 20 years,

*Considering* that over 2,000 MPs from 89 parliaments around the world have signed the “Declaration of Support and Solidarity with the Democratically Elected Parliamentarians of Burma”,

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

1. *Regrets* that the authorities have replied neither to its requests for information nor to the repeated wish of the Inter-Parliamentary Union to send a mission to Myanmar, thereby disregarding the various opportunities offered to enter into a dialogue towards a settlement of the situation of the MPs-elect concerned;
2. *Reaffirms its indignation* that the authorities of the Union of Myanmar continue to ignore the outcome of the election of 27 May 1990; *reiterates* in this respect that the National Convention convened by the authorities in 1993 is designed to prolong and legitimise military rule against the will of the people as expressed in the 1990 elections, and *reaffirms* that the refusal of the authorities to convene the Parliament elected in 1990 constitutes a violation of the principle established in Article 21 of the Universal Declaration of Human Rights that “*the will of the people shall be the basis of the authority of government*”;
3. *Considers* consequently that in setting up the “Committee Representing the People’s Parliament” and in drafting a national constitution, the MPs-elect are merely giving effect to this principle;
4. *Is outraged* at the continuing harassment, arrests and sentencing of MPs-elect, and *strongly urges* the authorities to release immediately and unconditionally all detained MPs-elect, including U Aye Tha Aung, U Saw Naing Naing and U Soe Thein, to respect the freedom of their movement and right to assembly and to put an immediate end to all practices aimed at preventing the MPs-elect from engaging in their legitimate political activity;
5. *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. *Applauds* the members of Parliament who have signed the “Declaration of Support and Solidarity with the Democratically Elected Parliamentarians of Burma”;
7. *Requests* the Secretary General once again to ask the authorities of Myanmar for information concerning the situation of each one of the parliamentarians-elect named in this resolution;
8. *Urges* the Myanmar authorities to pay heed to the call of the Inter-Parliamentary Union for an immediate end to all breaches of the human rights of the MPs-elect, which, apart from being wholly unacceptable, tarnish the country's international image;
9. *Reaffirms* that the Inter-Parliamentary Union is ready to send a mission to Myanmar to conduct a dialogue both with the authorities of that country and with the parliamentarians-elect for the sake of progress towards a satisfactory settlement of this case;
10. *Requests* the Secretary General again to convey this resolution to the authorities of Myanmar together with the invitation of the Committee to send a representative, for the purpose of dialogue, to its next session (January 2001);
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

**CASE N° PAK/08 - ASIF ALI ZARDARI - PAKISTAN*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

The Council of the Inter-Parliamentary Union,

*Having before it* the case of Senator Asif Ali Zardari, of Pakistan, 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,

*Taking into consideration* a letter from the Acting Permanent Representative of Pakistan to the United Nations Office in Geneva, dated 13 October 2000,

*Considering* that Senator Zardari was arrested on 4 November 1996 and has remained in prison since then; that, as detailed in the Committee's report, five different criminal proceedings are currently under way against him before ordinary courts including three murder cases, a drug case and an artefacts smuggling case; that in addition six proceedings under the *Ehtesab* (Accountability) Act were instituted against him, five of which are still under way and one resulting in his sentencing to five years' imprisonment and disqualification from holding public office for a period of five years and a fine of US\$ 8.6 million; that he has appealed against this judgment and sentence to the Supreme Court, which on 12 September 2000 decided to adjourn the proceedings to a date as yet unspecified,

*Considering* that, in May 1999, Senator Zardari was taken from judicial custody to the Central Investigative Agency (CIA) for interrogation, where - as established by an official investigation - he was ill-treated reportedly to extract a statement from him implicating his wife, Benazir Bhutto, in Justice Nizam's murder; that on 19 May he was transferred from the CIA Centre to the Agha Khan Hospital at around 2 p.m. with a profusely bleeding mouth; that the judicial inquiry tribunal set up by the Government to ascertain the causes of his injuries concluded that the CIA officers were not authorised by law to interrogate Mr. Zardari and that the injuries he had sustained during such interrogation were the result of severe ill-treatment on the night of 19 May 1999; according to the sources, instead of prosecuting the perpetrators of such ill-treatment, Senator Zardari will now be prosecuted for attempted suicide, an offence under Pakistani penal law,

*Considering* the different forms of harassment to which five lawyers on Mr. Zardari's defence team have reportedly been subjected, including kidnapping, attacks, arbitrary arrest, threats and travel restrictions,

*Further considering* that Mr. Zardari is ill and that a medical board set up by order of the High Court of Sindh for his medical examination and treatment reportedly ordered that he be hospitalised; that he is at present in hospital; that the Board also recommended treatment in a specialised spinal institution abroad; that Mr. Zardari was granted bail on medical grounds in all cases pending against him with the exception of two (the narcotics case pending in Lahore and the appeal against the conviction under the *Ehtesab* Act pending before the Supreme Court),

*Noting* that, according to the information supplied by the Acting Permanent Representative of Pakistan to the United Nations Offices in Geneva, Mr. Zardari is receiving all possible medical treatment,

1. *Thanks* the Permanent Representative of Pakistan to the United Nations Offices in Geneva for his letter; *regrets*, however, that it provides only information on Mr. Zardari's medical treatment;
2. *Is alarmed* that, as established by an official investigation, Mr. Zardari was ill-treated while in detention and that, instead of those responsible for such criminal action being brought to justice, he could be prosecuted on a charge of attempted suicide;
3. *Urges* the authorities to bring the culprits to justice without further delay, as their duty commands;
4. *Expresses concern* at Mr. Zardari's state of health, and *urges* the authorities to ensure that he receives medical treatment as suggested by the medical board set up by judicial order; *stresses* in this connection that it is a universal practice to authorise prisoners who are seriously ill to be treated outside custody;
5. *Supports* the request for release on bail lodged by the defence lawyers on medical grounds; *stresses* that the evidence of ill-treatment in custody would in itself justify his release for independent medical treatment;
6. *Wishes to ascertain* whether the International Committee of the Red Cross has access to Mr. Zardari;
7. *Notes with concern* the length of the different proceedings under way against Senator Zardari, and *observes* that in some cases the trial has reportedly not even started although the proceedings were brought four years ago, and *stresses* that, under internationally recognised human rights norms, anyone arrested or detained on a criminal charge must be tried without undue delay or otherwise released immediately;
8. *Expresses its concern* at the serious forms of harassment to which Senator Zardari's lawyers have reportedly been subjected, further exacerbated by the denial of his right to select counsel of his own choice and his right to be present during his trial in the drug case, especially as it carries the death penalty;
9. *Urges* the competent authorities to ensure, as their duty commands, that Mr. Zardari may fully exercise his right to defence, which is inherent in the right to fair trial;
10. *Requests* the Secretary General to bring this decision to the attention of the competent authorities in Pakistan and to seek the relevant information from them;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).



**CASEN° MOL/01 - ILIE ILASCU - REPUBLIC OF MOLDOVA*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the information provided on 6 October 2000 by the President of the Inter-Parliamentary Group of the Republic of Moldova and a letter from the source dated 12 October 2000,

*Recalling* the following information on file:

- (i) Mr. Ilie Ilascu and five others were arrested in 1992 in Tiraspol, the capital of the self-proclaimed “*Moldovan Republic of Transdnistria*”; the arrests took place in the context of the war that followed the Republic of Moldova's declaration of independence and the ensuing secession of Transdnistria; at the close of a trial which took place from 23 April to 9 December 1993 and during 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;
- (ii) On 3 February 1994, the Supreme Court of the Republic of Moldova, whose jurisdiction includes Transdnistria 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 Transdnistria is under the *de facto* control of the secessionist authorities, this judgment has not been executed;
- (iii) Mr. Ilascu was subjected to physical and mental ill-treatment, in particular mock executions, is held under harsh conditions and does not receive the medical treatment he needs; on 28 September 1999, the President of the Parliamentary Assembly of the Council of Europe called on the separatist authorities of Transdnistria to permit the International Committee of the Red Cross (ICRC) to visit Mr. Ilascu and his colleagues,

*Considering* that, according to the source, Mr. Ilascu's health has seriously deteriorated as he now suffers from a chronic lung illness and liver problems, without having received any medical attention in recent months,

*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 Transdnistria problem, this being the backdrop to the Ilascu case,

*Noting* that, under an agreement between the Republic of Moldova and the Russian Federation signed on 21 October 1994, Russia pledged to withdraw those troops within three years of the entry into force of the agreement; that the agreement has still not entered into force and, as stated in the draft report of the Council of Europe's Monitoring Committee of 26 February 1999, the Russian State Duma removed the item relating to ratification of the agreement from its agenda in January 1999,

*Considering* 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 Transdnistria is under its *de facto* control) to submit written observations on the admissibility and merits of Mr. Ilascu's application,

1. *Is indignant* at the lack of any progress towards a settlement of Mr. Ilie Ilascu's case, and *regrets* the lack of any response from the guarantor States - the Russian Federation and Ukraine - to its requests for information;
2. *Expresses deep concern* at the reliable allegations that Mr. Ilascu's health is deteriorating; *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 *would appreciate* information about any step taken to this end;
3. *Considers* it all the more urgent, in view of Mr. Ilascu's worsening state of health, that this case be rapidly settled and Mr. Ilascu transferred to the non-separatist part of the Republic of Moldova or another sovereign State where he could be retried by an independent and impartial tribunal;
4. *Notes* that the European Union, the Council of Europe and the OSCE Parliamentary Assembly have expressed their concern at the lack of action towards a full withdrawal of Russian troops from Moldovan territory, as required under the agreement of 21 October 1994;
5. *Urges* the State Duma once more to do its utmost to ensure that this agreement is ratified and executed since this would facilitate a settlement of the Ilascu case;
6. *Requests* the Secretary General to convey this decision to the competent Moldovan, Russian and Ukrainian authorities and to take all possible steps with a view to obtaining Mr. Ilascu's release;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).

**CASEN° SRI/12 - JAYALATH JAYAWARDENA - SRI LANKA*****Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Dr. Jayalath Jayawardena, a member of the Sri Lankan Parliament, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the information provided by the authorities on 12 September and by various sources on 28 September and 17 October 2000,

*Recalling* that, in early 1997, penal proceedings were brought against Dr. Jayalath Jayawardena under the Public Property Act of criminal misappropriation for having, from 1990 to 1993, drawn a salary from the State without performing his duty; two indictments relating to different periods were filed against him and two cases - N° 8076/96 and N° 8075/96 - were pending 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,

*Considering* that Dr. Jayawardena has been acquitted in the first case but that the second case is still pending against him and has been fixed for trial on 21 November 2000; Dr. Jayawardena's defence counsel requested the Attorney General to withdraw the second case since the charges are identical,

1. *Notes with satisfaction* that Dr. Jayawardena was acquitted in one of the two cases brought against him; *notes* that the second case, which relates to the same charges, will be heard soon;
2. *Requests* the Committee on the Human Rights of Parliamentarians to continue following the proceedings and to report to it at its next session (April 2001);
3. *Requests* the Secretary General to convey this decision to the Speaker of Parliament and to the Attorney General, as well as to Dr. Jayawardena.

**TURKEY**

<b>CASE N° TK/39 - LEYLA ZANA</b>	<b>CASE N° TK/52 - SELIM SADAK</b>
<b>CASE N° TK/40 - SEDAT YURTDAS</b>	<b>CASE N° TK/53 - NIZAMETTIN TOGUÇ</b>
<b>CASE N° TK/41 - HATIP DICLE</b>	<b>CASE N° TK/55 - MEHMET SINÇAR</b>
<b>CASE N° TK/42 - ZÜBEYİR AYDAR</b>	<b>CASE N° TK/57 - MAHMUT KILINÇ</b>
<b>CASE N° TK/43 - MAHMUT ALINAK</b>	<b>CASE N° TK/58 - NAIF GÜNES</b>
<b>CASE N° TK/44 - AHMET TÜRK</b>	<b>CASE N° TK/59 - ALI YIGIT</b>
<b>CASE N° TK/48 - SIRRI SAKIK</b>	<b>CASE N° TK/62 - REMZI KARTAL</b>
<b>CASE N° TK/51 - ORHAN DOGAN</b>	

*Resolution adopted without a vote by the Council of the Inter-Parliamentary Union  
at its 167<sup>th</sup> session (Jakarta, 21 October 2000) \**

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/167/12(c)-R.1), and to the relevant resolution adopted at its 166<sup>th</sup> session (May 2000),

*Taking account* of the information and observations provided by members of the Turkish delegation to the 104<sup>th</sup> Conference of the Inter-Parliamentary Union (October 2000),

*Recalling* the following information on file:

- (i) On 2 March 1994, the Turkish Grand National Assembly (TGNA) lifted the parliamentary immunity of Ms. Zana, Mr. Dicle, Mr. Türk, Mr. Sakik, Mr. Dogan, Mr. Sadak and Mr. Alinak, leading to their arrest and prosecution for separatism under Article 125 of the Turkish Penal Code; on 16 June 1994 the Constitutional Court dissolved their party, the Democracy Party (DEP), as a result of which all but three MPs belonging to that party lost their parliamentary seats; Mr. Toguç, Mr. Kilingç, Mr. Günes, Mr. Yigit and Mr. Kartal fled abroad and were subsequently also accused of separatism;
- (ii) Ms. Zana, Mr. Dicle, Mr. Türk, Mr. Dogan and Mr. Sadak were found guilty of membership of an armed organisation and sentenced to 15 years' imprisonment; Mr. Yurtdas, Mr. Alinak, Mr. Sakik and Mr. Türk were found guilty of separatist propaganda and sentenced to 14 months' imprisonment and a fine;

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\* The Turkish delegation expressed reservations about the resolution adopted by the Council of the Inter-Parliamentary Union.

- (iii) Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak, who are currently serving their prison sentence, were never accused of any acts of violence or advocacy of violence; the verdict relied heavily on the deputies' public speeches and writings quoted in the indictment as evidence of their membership of the Kurdish Workers' Party (PKK),

*Recalling* that, in its ruling of November 1997 on the first application referred by Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak to the European Commission on Human Rights in March 1994, the European Court of Human Rights found a violation of Article 5, paragraphs 3 (right to be brought promptly before a judge), 4 (right to appeal against detention), and 5 (right to compensation in the event of a violation of the provisions of Article 5) of the European Convention on Human Rights; *considering* that, according to information provided by the Turkish delegation at the hearing held in Jakarta, the former deputies concerned were paid compensation in line with that decision,

*Considering* that in January 1996, the four former MPs concerned lodged a second application with the European Commission on Human Rights, invoking *inter alia* a violation of their right to fair trial (Article 6 of the European Convention); in its report of 9 March 1999 on that application, the Commission found a violation of Article 6 on grounds, *inter alia*, 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,

*Recalling* that in 1998 Ms. Zana was sentenced to a further one-year prison term for an article she published in late 1997 in a HADEP Party paper; that the State Security Court reportedly held that using the word "Kurds" constituted incitement to hatred; that Mr. Dicle was sentenced to an additional 10-year prison sentence for articles he published while in prison; that 14 charges under Section 8 of the Anti-Terrorism Law and Article 312 of the Penal Code were still pending against him, each of which carries a prison sentence ranging from 1 to 3 years,

*Recalling* that, on 8 February 1999, the Turkish Grand National Assembly voted an amnesty law which suspended the execution of the additional sentences handed down on Mr. Dicle and Ms. Zana so long as they did not repeat any such statements,

*Considering* that, according to the information provided by the Turkish delegation, a new draft amnesty law is under discussion which will cover those sentenced on account of having exercised their right to freedom of expression; however, it does not cover crimes involving terrorism,

*Considering* that, following its request made at the 103<sup>rd</sup> Conference of the Inter-Parliamentary Union (April/May 2000) to take action under Rule 61 of the Rules of the European Court of Human Rights, the Secretary General submitted a third-party declaration to the Court on 7 September 2000,

1. *Takes note* of the report of the European Commission on Human Rights dated 9 March 1999, which concludes that the right to fair trial of the former MPs concerned has been violated;
2. *Considers* that this ruling adds weight to the consistent appeals of the Inter-Parliamentary Union that the former MPs concerned be granted an amnesty and released;
3. *Remains convinced*, in the light of the evidence on file, that they were found guilty and sentenced on account of having exercised their right to freedom of expression in advocating a political solution to the conflict in south-eastern Turkey;

4. *Therefore solemnly reiterates* its appeal to the Turkish Grand National Assembly to grant an amnesty to the former MPs, including those in exile; *remains convinced* that this would give practical expression to the stated will of the Turkish authorities to promote and respect human rights, including freedom of speech;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2001).