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## 111<sup>th</sup> Assembly of the Inter-Parliamentary Union

### 1. Opening of the proceedings

The 111<sup>th</sup> Assembly of the Inter-Parliamentary Union<sup>1</sup> opened its proceedings at the Geneva International Conference Centre on the morning of Tuesday, 28 September 2004. The President of the Inter-Parliamentary Union, Mr. Sergio Páez Verdugo, welcomed the participants and declared the 111<sup>th</sup> Assembly officially open.

Following the official opening, the President of the Inter-Parliamentary Union was elected President of the Assembly and the Vice-President of the Executive Committee, Mr. Rudy Salles, was elected Vice-President.

### 2. Participation

Delegations of the parliaments of the following 112 countries took part in the work of the Assembly:<sup>2</sup> Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Congo, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zimbabwe.

The following Associate Members also took part in the Assembly: the Andean Parliament, the European Parliament, the Latin American Parliament, the Parliamentary Assembly of the Council of Europe, and the Parliament of the Economic Community of West African States (ECOWAS Parliament).

Observers included representatives of: (i) Palestine; (ii) United Nations system: United Nations, International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), United Nations Volunteers (UNV), World Health Organization (WHO), World Bank, International Monetary Fund (IMF), World Trade Organization (WTO); (iii) African Union, International Organization for Migration (IOM), League of Arab States, African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Assembly of the Western European Union (WEU), European Parliamentarians for Africa (AWEPA), Maghreb Consultative Council, Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Association for Euro-Arab Cooperation (PAEAC), Parliamentary Union of the Organization of the Islamic Conference Members (PUOICM); (iv) Amnesty International, International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC); and (v) Organisation for the Prohibition of Chemical Weapons (OPCW); United Nations Convention on Biological Diversity. Furthermore, a delegation from the Republic of the Maldives participated as an observer with a view to future affiliation.

Of a total of 989 delegates who attended the Assembly, 453 were members of national parliaments. The parliamentarians included 28 presiding officers, 26 deputy presiding officers and 130 women parliamentarians (28.7%).

### 3. Choice of an emergency item (Item 2)

When it took up this agenda item, the Assembly had before it a proposal submitted by the delegation of the Islamic Republic of Iran. The Assembly was informed that the proposals previously submitted by South Africa and Sudan had been officially withdrawn.

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

<sup>2</sup> For the complete list of IPU membership, see page 17.

The President gave the floor to the delegation of the Islamic Republic of Iran to present its proposal entitled *The alarming situation in Iraq and the need for parliamentary action to restore peace and security in that country*.

The President gave the floor on a point of order to the delegation of Canada, which indicated that although it was not opposed to the inclusion of the proposed item, it considered that it was regrettable that the Assembly could not debate the critical humanitarian situation in the Darfur region.

Following an intervention by the head of the delegation of Mali, the President, noting that there was no opposition to the inclusion of the item proposed by the Islamic Republic of Iran, declared the proposal adopted as the emergency item of the 111<sup>th</sup> Assembly. He invited all geopolitical groups to make proposals for the drafting committee which would prepare a draft resolution for the Assembly.

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#### **4. Debates and decisions of the Assembly and its Standing Committees**

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##### **(a) Debate on the emergency item**

*The alarming situation in Iraq and the need for parliamentary action to contribute to restoring peace and security in that country* (Item 8)

The debate on the emergency item took place in the morning of Wednesday, 29 September. A total of 35 speakers from 34 parliamentary delegations and one observer took part in the debate, which was opened by the President of the Assembly. He subsequently invited the Vice-President to chair the sitting.

Following the decision adopted by the Assembly, the drafting committee met in the afternoon of Wednesday, 29 September, and in the morning of Thursday, 30 September, and prepared a draft resolution. The drafting committee was composed of representatives from Benin, Canada, Egypt, France, Iran (Islamic Republic of), Kuwait, Portugal, Republic of Korea and Venezuela. It appointed Mr. M. Al-Fikki (Egypt) as its president and Mrs. V. Mata (Venezuela) as rapporteur.

During the sitting of Friday, 1 October, the Assembly adopted the draft resolution unanimously.

The text of the resolution can be found on page 36.

##### **(b) First Standing Committee on Peace and International Security**

###### **(i) *The role of parliaments in strengthening multilateral regimes for non-proliferation of weapons and for disarmament, in the light of new security challenges*** (Item 3)

The item was considered on 28 and 30 September. The Committee held three sittings, with its President, Mr. E. Menem (Argentina), in the chair. Mr. S. Ordzhonikidze, Director-General of the United Nations Office at Geneva and Secretary-General of the Conference on Disarmament, addressed the Committee at the beginning of its first sitting.

The Committee had before it a report and a draft resolution prepared by the co-Rapporteurs, Ms. S. Damen-Masri (Jordan) and Mr. J. Wilkinson (United Kingdom), as well as amendments to the draft resolution that had been proposed and submitted within the statutory deadline by the delegations of Algeria, Belgium, Burkina Faso, Canada, Cuba, Egypt, France, Germany, India, Iran (Islamic Republic of), Japan, Kenya, Norway, Romania, Russian Federation, Sudan, Sweden and Syrian Arab Republic.

A total of 56 speakers from 47 countries, one associate member and two international organisations took the floor during the debate. Following the debate, the Committee appointed a drafting committee composed of representatives from Algeria, Burkina Faso, Canada, Chile, China, Ghana, Greece, India, Israel, Jordan, Russian Federation and Syrian Arab Republic. The drafting committee was also assisted in its work by the co-Rapporteurs.

The drafting committee met on 29 and 30 September, in three sittings. At the beginning of its work, it appointed Ms. E. Papadimitriou (Greece) as its president and Mr. M. Salim (India) as rapporteur. The drafting committee examined in detail the draft resolution prepared by the co-Rapporteurs and the proposed amendments, as well as a series of sub-amendments received from another six delegations, and amended the draft resolution accordingly.

In the afternoon of 30 September, the First Standing Committee considered the draft resolution. One sub-amendment was proposed to the text and was adopted by the Committee. Two delegations took the floor to express reservations on the proposed resolution. Fourteen delegations also took the floor to express their appreciation for the quality of the resolution or to clarify their positions on a series of questions. At the end of the sitting, the draft resolution was adopted by consensus. In the afternoon of 1 October, the plenary sitting of the Assembly adopted the resolution by consensus. Following the adoption of the resolution, the delegations of Israel and India presented reservations on the resolution.

The text of the resolution can be found on page 19.

*(ii) Choice of subject items for the First Standing Committee at the 112<sup>th</sup> and 113<sup>th</sup> Assemblies*

The Bureau of the First Standing Committee met on 29 September with the Committee President, Mr. E. Menem, in the chair. It examined a number of proposals submitted by IPU Members for the items to be debated by the First Standing Committee at the 112<sup>th</sup> and 113<sup>th</sup> Assemblies. Taking account of the recommendations of the Executive Committee concerning the themes that would be of special interest for the Union from the point of view of its cooperation with the United Nations, the Bureau approved two subject items and a candidature for a co-Rapporteur (see pages 15 and 74) for the item proposed for the 112<sup>th</sup> Assembly, which it subsequently submitted to the First Standing Committee. The Committee agreed to propose to the Assembly the inclusion on the agenda of the 112<sup>th</sup> Assembly of a subject item entitled *The role of parliaments in the establishment and functioning of mechanisms to provide for the judgement and sentencing of war crimes, crimes against humanity, genocide and terrorism, with a view to avoiding impunity*. For the 113<sup>th</sup> Assembly, the Committee decided to propose the inclusion of a subject item entitled *Concerted action and cooperation by parliament and the media to inform public opinion, specifically in respect of armed conflicts and the fight against terrorism*. The items were subsequently approved by the Assembly.

(c) Second Standing Committee: Sustainable Development, Finance and Trade

*(i) The role of parliaments in preserving biodiversity (Item 4)*

The Committee held two sittings on 29 and 30 September, with its President, Mr. E. Gudfinnsson (Iceland), in the chair. In addition to a report and preliminary draft resolution prepared by the co-Rapporteurs, Ms. S. Mugerwa (Uganda) and Mr. P. Günter (Switzerland), the Committee had before it amendments to the draft resolution submitted by the delegations of Algeria, Belgium, Burkina Faso, Cameroon, Canada, Cuba, Egypt, India, Japan, Norway, Romania, Sudan, Sweden, United Kingdom and Venezuela, as well as an information document prepared by the Secretariat of the Convention on Biological Diversity.

A total of 47 speakers from 42 countries and 3 international organisations took the floor during the debate. Following the debate, the Standing Committee appointed a drafting committee composed of representatives from Algeria, Japan,

Malaysia, Nigeria, Romania, Russian Federation, Saudi Arabia, Sudan, Switzerland, United Kingdom and Uruguay.

The drafting committee met in the afternoon of 29 September and in the morning of the following day. At the beginning of its work, it appointed Mr. A. Meale (United Kingdom) as its president and Mr. M. Kavyeas (Malaysia) as rapporteur. The committee was assisted in its work by Mr. O. Jalbert, Principal Officer of the Secretariat of the Convention on Biological Diversity.

The drafting committee examined over 100 amendments to the preliminary draft resolution and adopted 57 of them, fully or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to those that were adopted.

In the afternoon of 30 September, the Second Standing Committee considered the consolidated draft and adopted three further amendments to it, including two through votes. The draft resolution as a whole was subsequently adopted by the Second Standing Committee by consensus.

In the afternoon of 1 October, the draft was submitted to the plenary sitting of the Assembly. Following the unanimous adoption of the resolution, the delegation of Sweden took the floor to draw attention to the fact that the resolution contained a reference to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, which was likely to enter into force in the near future, following its approval by the Government of the Russian Federation on 30 September 2004. Because the Protocol still must be ratified by the Russian Duma, the Swedish delegation appealed to its Russian counterparts to do everything in their power to secure ratification as quickly as possible. Speaking on behalf of the Assembly, the IPU President chairing the session supported that appeal.

The text of the resolution can be found on page 25.

*(ii) Choice of subject items for the Second Standing Committee at the 112<sup>th</sup> and 113<sup>th</sup> Assemblies*

The Bureau of the Second Standing Committee met on 30 September with the Committee President, Mr. E. Gudfinnsson, in the chair. It examined 11 proposals submitted by IPU Members for the items to be debated by the Second Standing Committee at the 112<sup>th</sup> and 113<sup>th</sup> Assemblies. Taking account of the recommendations of the Executive Committee concerning the themes that would be of special interest for the Union from the point of view of its cooperation with the United

Nations, the Bureau approved two subject items and the candidatures of co-Rapporteurs (see pages 15 and 74) for the item proposed for the 112<sup>th</sup> Assembly, which it subsequently submitted to the Second Standing Committee. The Committee agreed to propose to the Assembly the inclusion on the agenda of the 112<sup>th</sup> Assembly of a subject item entitled *The role of parliaments in establishing innovative international financing and trading mechanisms to address the problem of debt and achieve the Millennium Development Goals*. For the 113<sup>th</sup> Assembly, the Committee decided to propose the inclusion of a subject item entitled *Migration and development*. The items were subsequently approved by the Assembly.

(d) Third Standing Committee: Democracy and Human Rights

(i) *Beijing + 10: An evaluation from a parliamentary perspective* (Item 5)

The item was considered on 28 and 30 September by the Third Standing Committee (Democracy and Human Rights). The Committee held two sittings with its President, Ms. R. Kadaga (Uganda), in the chair. The Committee had before it a report and a draft resolution prepared by the co-Rapporteurs, Ms. M. Mensah-Williams (Namibia) and Mr. J.P. Winkler (Germany), as well as amendments to the draft resolution submitted by the delegations of Belgium, Burkina Faso, Canada, Cuba, Egypt, India, Japan, Norway, Romania, Sweden and United Kingdom. It also had before it two information documents prepared by the United Nations Division for the Advancement of Women (UNDAW) and the United Nations Children's Fund (UNICEF).

A total of 59 speakers took the floor during the debate, including Ms. C. Hannan, Director of UNDAW, who launched the debate. Following the debate, the Committee appointed a drafting committee composed of representatives from Armenia, Côte d'Ivoire, Egypt, Germany, Iran (Islamic Republic of), Mexico, Morocco, Nigeria, Republic of Korea, Sweden, South Africa and United Kingdom.

The drafting committee met on 29 September. At the beginning of its work, it appointed Dame Marion Roe (United Kingdom) as its president and Ms. D.M. Sauri Riancho (Mexico) as rapporteur. The drafting committee examined in detail the draft resolution prepared by the co-Rapporteurs and

enhanced it with some of the proposed amendments.

On 30 September, the Third Standing Committee considered the consolidated draft resolution and adopted it by consensus. The delegations of India and Cuba expressed reservations over the subheading of the draft resolution relating to human security. The delegation of Chile expressed reservations over operative paragraph 7. On the afternoon of 1 October, the resolution was adopted by consensus by the plenary sitting of the Assembly.

Following adoption of the resolution, the delegation of India, while indicating its support, expressed reservations regarding the subheading of the resolution relating to human security. In its view, that was still a nebulous concept which had no internationally accepted definition.

The text of the resolution can be found on page 30.

(ii) *Choice of subject items for the Third Standing Committee at the 112<sup>th</sup> and 113<sup>th</sup> Assemblies*

The Bureau of the Third Standing Committee met on 29 September with the Committee President, Ms. R. Kadaga, in the chair. It examined a number of proposals submitted by IPU Members for the items to be debated by the Third Standing Committee at the 112<sup>th</sup> and 113<sup>th</sup> Assemblies. Taking account of the recommendations of the Executive Committee concerning the themes that would be of special interest for the Union from the point of view of its cooperation with the United Nations, the Bureau approved two subject items for the 112<sup>th</sup> and 113<sup>th</sup> Assemblies (see page 74), which it subsequently submitted to the Third Standing Committee. The Committee agreed to propose to the Assembly the inclusion on the agenda of the 112<sup>th</sup> Assembly of a subject item entitled *The role of parliaments in advocating and enforcing observance of human rights in the strategies for the prevention, management and treatment of the HIV/AIDS pandemic*. For the 113<sup>th</sup> Assembly, the Committee decided to propose the inclusion of a subject item entitled *The importance of civil society and its interplay with parliaments and other democratically elected assemblies for the maturing and development of democracy, in order to improve living conditions*. The items were subsequently approved by the Assembly

## 175<sup>th</sup> Session of the Governing Council of the Inter-Parliamentary Union

The Governing Council of the Inter-Parliamentary Union held its 175<sup>th</sup> session at the Geneva International Conference Centre on 28 September and 1 October 2004. The sittings were chaired by the President of the Inter-Parliamentary Union.

The Governing Council took note of the President's report on his activities and meetings since the end of the 174<sup>th</sup> session in April 2004. It also heard an oral report by the President on the activities of the Executive Committee during its 243<sup>rd</sup> session. The Council also took note of the interim report of the Secretary General on the activities of the Union.

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### 1. Membership of the Inter-Parliamentary Union

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At its sitting on 28 September, the Governing Council approved requests for affiliation as Associate Members from the Parliament of the Economic Community of West African States (ECOWAS Parliament), and the East African Legislative Assembly.

The Governing Council approved a report of the Executive Committee on the structure and functioning of IPU Members and their participation in the Organisation's work (see executive summary and recommendations on page 54).

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### 2. Financial situation of the Union

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The Governing Council received a comprehensive written report on the financial situation of the IPU as at 30 June 2004, and a complete listing of Members' arrears. The Secretary General gave the Council updated information on the situation as at the end of September, confirming that the Union would end the year in a break-even position. He also noted that the actuarial deficit of the Staff Pension Fund would be almost eliminated as a result of the Executive Committee decision for the IPU to join the United Nations Joint Staff Pension Fund. However, the Union would remain responsible for the liability of existing retirees' pensions.

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### 3. Programme and budget for the year 2005

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The Governing Council heard a report by the Executive Committee rapporteur, Mr. J. Austin, on the draft programme and budget.

The Executive Committee recommended minor changes to the draft budget proposed by the

Secretary General. In particular, it recommended increasing the provision by CHF 134,210 for the 2005 Second World Conference of Speakers of Parliaments so that the meeting could take place in New York, adding a provision of CHF 50,000 for a fourth and final Conference of the CSCM, to be held in Athens, and increasing the provision for the 112<sup>th</sup> Assembly in Manila by CHF 11,500 to fund interpretation for the break-out groups at the Meeting of Women Parliamentarians.

In order to balance the budget, the Executive Committee recommended cancelling the annual Parliamentary Conference on the WTO in 2005 (while maintaining the Parliamentary Conference on the occasion of the WTO Ministerial Meeting in Hong Kong), shortening the second Assembly in the year to three days instead of four, deleting a transfer of CHF 68,000 to the Working Capital Fund, and allowing a withdrawal of CHF 50,000 from the Working Capital Fund, which would be replenished in 2006. The Secretary General was asked to seek alternative sources of funding for the Fourth Conference of the CSCM or to make operational savings elsewhere in order to avoid drawing on the Working Capital Fund.

The Executive Committee recommended the addition of the contributions of the new Associate Members, the ECOWAS Parliament and the East African Legislative Assembly, to the scale of contributions, and a general increase of 3 per cent in the assessed contributions for 2005.

The Governing Council approved the 2005 operating budget as amended by the Executive Committee, with gross operating expenditures of CHF 10,306,910 and capital expenditures of CHF 35,000, and approved an increase in the assessed contributions of 3 per cent (see page 40).

The Governing Council heard a report on the proceedings of the working group reviewing the scale of contributions. Mr. Austin told the Council that the small working group was in consensus that the current scale was out of date and did not reflect the Members' capacity to pay. The group felt that the current minimum fee may represent a barrier to membership for the parliaments of some small countries and could be lowered, but it did not want to increase the maximum contribution, that of Japan, which contributed 12 per cent of the Union's budget. Mr. Austin called upon the Council to

enlarge the present working group, which would reconvene at the 112<sup>th</sup> Assembly in Manila and report back to the Council.

The Governing Council appointed Mr. R. Verrier (Cuba) and Mr. S. Vejjajiva (Thailand) as the internal auditors of the Union for 2004 (see page 16).

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#### **4. Cooperation with the United Nations system**

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The Governing Council noted that the IPU was engaged in a wide-ranging programme of cooperation with the United Nations. It endorsed the document setting out the priorities for the United Nations agenda for the coming years (see page 45) and agreed that the IPU should strive to contribute to dialogues taking place in the United Nations, in particular through the debates of its three Standing Committees.

The Governing Council returned to the discussion it had held at the 110<sup>th</sup> Assembly in Mexico City on the subject of the Cardoso Panel report. It was informed that the IPU President and Secretary General had held meetings with President Cardoso and the United Nations Secretary-General, and also with a large number of parliamentary Speakers and leaders, to discuss the Panel's recommendations. The Council noted that several of those recommendations coincided with the aims of the IPU, such as the call to strengthen the interaction between parliaments and the United Nations. However, despite some minor revisions, the report maintained the suggestion that the United Nations create its own inter-parliamentary structures.

The Governing Council noted that the Preparatory Committee for the Second World Conference of Speakers of Parliaments had also discussed the question and that it had decided to consult all parliamentary leaders in order to formulate collective views. Meanwhile, the Permanent Representatives of the Members' countries in New York were urged to ensure that the United Nations General Assembly took no decision on the matter until the 60<sup>th</sup> General Assembly in 2005. It was agreed that the most suitable channel for submitting to the United Nations the views of the world parliamentary community on its relations with that body would be through the Second World Conference of Speakers of Parliaments, to be held in New York in September 2005.

The Council approved the resolution that would be submitted to the United Nations General Assembly under the item on United Nations-IPU cooperation. It was of paramount importance that the resolution be adopted without amendment, as it would define the forthcoming World Conference of Speakers of

Parliaments as a joint United Nations-IPU meeting, thereby forestalling potential difficulties in the issuance of visas for all participants. Members were asked to ensure that their countries' Permanent Representatives in New York had instructions to sponsor the draft resolution.

The Council also approved two project proposals for the establishment of special committees: one concerning HIV/AIDS, and the other on child protection. The two proposals had been prepared in conjunction with UNAIDS and UNICEF, respectively. It decided to take up those questions again at its 176<sup>th</sup> session in Manila, once ideas for membership and funding of those bodies were more advanced (see page 49 for project proposals).

The formal launch of *Volunteerism and Legislation: A Guidance Note*, jointly produced by the IPU, UNV and the IFRC, took place during the Friday sitting of the Governing Council. The meeting heard statements by the Executive Coordinator of UNV, Mr. Ad de Raad, and the Acting Secretary General of the IFRC, Mr. Ibrahim Osman. Members welcomed the publication, and stressed the core role that volunteers played in the development and well-being of societies. The three partner organisations pledged to continue their joint work and to implement the suggestions of the Guidance Note, working with national parliaments.

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#### **5. Cooperation with other organisations**

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The Governing Council was informed that the Secretary General had been consulted by representatives of WSP International and the International Peace Academy, which were keen to see greater involvement by parliaments in the scrutiny of the work done by external partners in countries beset by conflict. The Council agreed that a proposal would be made to those organisations' forthcoming Peacebuilding Forum, to the effect that the IPU should encourage parliaments in fragile societies and post-conflict countries to invite major external actors to discuss their programmes in terms of nationally defined priorities.

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#### **6. Second World Conference of Speakers of Parliaments**

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The Governing Council heard a report on the second meeting of the Preparatory Committee of the Second World Conference of Speakers of Parliaments.

The Preparatory Committee had reviewed the report on the replies to the questionnaire on good

practices for action taken by parliament to consolidate its involvement in international affairs, and decided that a final report would be presented to the Speakers' Conference in 2005. The Committee then proposed that the IPU develop a framework of criteria and good practice for addressing democracy within countries, focusing specifically on parliament. The IPU President was asked to set up a working group of members of parliament and experts to prepare the framework. A status report should be delivered to the Conference in 2005.

The Preparatory Committee debated the recommendations contained in the report of the Cardoso Panel on relations between the United Nations and civil society, which referred specifically to parliaments. It agreed that the Second World Conference of Speakers of Parliaments would be an ideal opportunity for the IPU to present its conclusions on the matter.

The Committee requested the President and the Secretary General of the IPU to prepare a first draft of the declaration of the Speakers' conference, and to circulate it to all Members for comments and suggestions. The Committee would then finalise the text at its third meeting, to be held in Libreville, Gabon, from 19 to 21 May 2005. Finally, the Speakers issued a joint declaration on the hostage crisis in Beslan, condemning the use of violence as a means to achieve political ends.

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### **7. Recent specialised conferences and meetings**

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The Governing Council took note of the results of the Meeting of Speakers of Parliaments of the countries neighbouring Iraq on the constitutional process in that country. At the close of the Meeting, a Statement had been adopted, which had subsequently been circulated as an official document of the United Nations General Assembly and Security Council, at the request of the Government of Jordan. It had also been communicated to the United Nations Secretary-General and to the Interim Government that had been established on 28 June 2004 (see statement on page 56).

The Council also noted the outcome of the Parliamentary Meeting on the occasion of UNCTAD

XI (see page 59), a Seminar for the Arab region on *Parliament and the budgetary process, including from a gender perspective* (see General Report at <http://www.ipu.org/splz-e/lebanon.htm>), and the African Parliamentary Conference on *Refugees in Africa: The challenges of protection and solutions* (see declaration on page 62).

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### **8. Reports of committees and other bodies**

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At its sitting on 1 October, the Governing Council took note of the reports on the activities of the Coordinating Committee of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Meeting of the CSCM Coordinating Committee, and the Gender Partnership Group (see page 13).

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### **9. Future inter-parliamentary meetings**

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The Governing Council took note of the meetings previously listed on the Union's programme of work for the next 12 months (see page 71), and approved new activities for 2005, including: the Fourth CSCM, to be held in Athens in February 2005; a seminar on *Parliaments, environmental management and sustainable development* to be held in partnership with the United Nations Institute for Training and Research (UNITAR), in Paris in early 2005; an African regional conference on female genital mutilation, to be held in February 2005 at a venue to be determined; a seminar for Latin American parliaments on *Parliament and the budgetary process, including from a gender perspective*, to be held in March at a venue to be determined; a one-day parliamentary meeting on the occasion of the 49<sup>th</sup> session of the Commission on the Status of Women: Beijing + 10 entitled *Beyond Beijing: gender equality in politics* at UN Headquarters in New York; and the third meeting of the Preparatory Committee of the Second World Conference of Speakers of Parliaments, to be held in Libreville from 19 to 21 May 2005.

The Governing Council also decided that the IPU would sponsor a thematic workshop on the role of parliaments in the implementation of the Convention on the Prohibition of Chemical Weapons, organised by the OPCW and to be held in The Hague on 26 November 2004.

## 243<sup>rd</sup> Session of the Executive Committee

The Executive Committee held its 243<sup>rd</sup> session in Geneva on 25, 26, and 30 September. The President of the IPU chaired the meetings. The following members and substitutes took part in the session: Mr. J. Jorge (Brazil), Ms. J. Fraser (Canada), Mr. Lü Congmin (China), Ms. K. Komi (Finland), Mr. R. Salles (France), Mr. M. Eörsi (Hungary), replaced by Mr. I. Balsai on 30 September, Mr. T. Kawara (Japan), Mr. F. Ole Kaparo (Kenya), Mr. H. Al-Hadi (Libyan Arab Jamahiriya), Ms. M. Mensah-Williams (Namibia), Mr. S. Vejajiva (Thailand), Mr. O. Natchaba (Togo), replaced on 30 September by Mr. K. Gbetogbe, Mr. I. Ostash (Ukraine), and Mr. J. Austin (United Kingdom). Mr. M. Al-Saqer (Kuwait) and Ms. Z. Rios-Montt (Guatemala) were absent.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Governing Council. Much of its session was devoted to discussion of the budget and other financial questions. The other matters considered by the Committee are summarised below.

The Committee reviewed the situation of the transitional parliaments in Angola, Burundi, the Democratic Republic of the Congo, Liberia and Somalia.

The Committee continued discussions on the need to increase the membership of the Union. It reviewed a list of non-member parliaments and heard reports from Mr. J. Austin (United Kingdom) and Ms. J. Fraser (Canada) on efforts to interest parliaments that were members of the Commonwealth Parliamentary Association in joining the IPU.

The Executive Committee considered the long term financial outlook of the Union. It agreed that increases in Members' contributions would not be automatic, while accepting that if the Union was to implement its reform agenda, increases would have to exceed inflation. The Committee also reviewed

the situation of observers to IPU Assemblies, and decided to send a questionnaire to all the observers in order to assess their interest in the activities of the Union. It asked the Secretary General to report on the findings of the questionnaire at its 244<sup>th</sup> session.

The Committee gave its formal approval to the proposal that the IPU Secretariat join the United Nations Joint Staff Pension Fund (UNJSPF), noting that the UNJSPF Board had recently approved the application for the IPU to join on 1 January 2005, subject to ratification by the United Nations General Assembly. The Committee decided in favour of (a) accepting the regulations of the UNJSPF, (b) adopting new staff regulations in conformity with the United Nations Common System of Salaries, Allowances and Benefits, (c) partial termination of the IPU Staff Pension Fund in respect of staff members who participated in the UNJSPF, and (d) transitional rules to protect the acquired rights of current employees of the Union. (The amendments to the Staff Regulations and Rules to bring the IPU system into line with the United Nations Common System of Salaries, Allowances and Benefits can be obtained from the IPU Secretariat).

The Committee took note of the Secretary General's report on progress made in the establishment of the Inter-Parliamentary Foundation for Democracy. Arrangements were being made to register the Foundation under Swiss law prior to commencing its operations. For that purpose, a meeting of the Foundation Board was scheduled to take place during the Assembly (see page 15 for the report on the meeting of the Board).

The Secretary General informed the Committee that he had appointed seven new staff members: a Liaison Officer to work in the Permanent Observer Office in New York, an information specialist to work at headquarters, and five temporary project staff for the IPU project in Abuja, Nigeria, one recruited internationally and four locally.

## Coordinating Committee of Women Parliamentarians

The Coordinating Committee of Women Parliamentarians met on 27 September 2004, with its President, Ms. J. Fraser (Canada), in the chair. The session reviewed action taken to follow up on the tenth Meeting of Women Parliamentarians (Mexico City, April 2004) and prepared the work of the forthcoming Meeting.

The Committee was briefed on the work and recommendations of the Gender Partnership Group by Ms. M. Mensah-Williams (Namibia), one of its members. The briefing gave rise to a discussion on the situation of women's participation in the 111<sup>th</sup> IPU Assembly and the progress made by women and setbacks they faced in parliaments worldwide.

The Committee then took stock of the action taken by women parliamentarians to follow up on the Mexico City meetings, in particular the dissemination of the *Handbook for Parliamentarians on Parliament, the Budget and Gender*, available in English, French and Arabic, and currently being translated into Spanish, courtesy of the Mexican Senate. The Committee was also informed of a post-Assembly seminar on the role of parliaments in implementing the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol. The event was being jointly organised by the IPU and UNDAW.

In preparation for the discussion in the Third Standing Committee on Beijing + 10 and for the United Nations' Review of that process scheduled to take place in New York in February/March 2005, the Committee engaged in a lively discussion with the Director of UNDAW, Ms. C. Hannan. Having been invited to provide further input on the implementation of the strategic objectives of the Beijing Platform for Action, the Committee endorsed a proposal to hold, during the Forty-ninth session of the United Nations Commission on the Status of Women, a parliamentary day entitled *Beyond Beijing: Towards gender equality in politics*.

The Committee discussed preparations for the panel discussion entitled *Violence against women and children in conflict situations*, scheduled to take

place during the 112<sup>th</sup> IPU Assembly in Manila. It considered with the Representative of UNICEF a number of sub-themes to be covered during the panel discussion.

Given that the Eleventh Meeting of Women Parliamentarians, to be held in Manila in 2005, would mark the twentieth anniversary of the first such Meeting coordinated by the IPU Secretariat, the Committee was keen to ensure that the important anniversary would be celebrated in an appropriate fashion. It was decided that an afternoon sitting should be dedicated to a discussion on violence against women, with particular emphasis on domestic violence. The Committee expressed its strong wish to include men in the discussion. It also decided to organise an exhibition of posters on women's suffrage over the last one hundred years.

The Committee considered an overall strategy to ensure full participation of women parliamentarians in IPU meetings, and ways of enhancing the work of both the Committee and the Meeting of Women Parliamentarians. It regretted that elected members of the Coordinating Committee were not automatically included in their respective parliaments' delegations to IPU Assemblies. However, it welcomed the initiative taken by the Secretary General to draw that matter to the attention of the parliaments concerned, and encouraged the IPU and the geopolitical groups to further sensitise Member Parliaments to the situation.

Lastly, the Committee welcomed the proposed amendment to the Statutes and Rules of the IPU, whereby the Meeting of Women Parliamentarians and the Coordinating Committee would be able to present amendments to the draft resolutions of the three Standing Committees. It agreed that at the 112<sup>th</sup> Assembly in Manila the Meeting of Women Parliamentarians would discuss one of the items assigned to the Standing Committees. The Committee was delighted to hear that a budget had been allocated to enable the Meeting to debate the item in two groups, with full interpretation facilities.

## Subsidiary Bodies of the Governing Council of the Inter-Parliamentary Union

### 1. Committee on the Human Rights of Parliamentarians

The Committee on the Human Rights of Parliamentarians held its 107<sup>th</sup> Session from 26 to 30 September 2004. The following titular members participated in its work: Ms. V. Nedvedová (Czech Republic) and Mr. L. Hierro López (Uruguay). Ms. S. Carstairs (Canada), Ms. M.J. Laloy (Belgium) and Ms. Z. Benarous (Algeria) attended in their capacity as substitute members.

The Committee conducted 13 hearings with delegations from countries where it had cases pending and with representatives of the sources. The Committee examined a total of 58 cases concerning 27 countries (see all resolutions on pages 76 to 111). Twelve cases were submitted for the first time.

The Committee submitted 24 cases to the Governing Council, one of which for the first time. The Committee decided to annex to its resolution on the case of Mr. V. Gonchar (Belarus) the common statement of concern which it had adopted jointly in July 2004 with the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe. The Committee also presented for adoption by the Council the report of the on-site mission to Zimbabwe, which had taken place from 28 March to 2 April 2004.

### 2. CSCM Coordinating Committee

The members of the Coordinating Committee of the Conference on Security and Cooperation in the Mediterranean (CSCM) held their thirtieth meeting in Geneva on Tuesday, 28 September, with Mr. R. Salles (France), Vice-President of the IPU Executive Committee, in the chair. As agreed during the twenty-second meeting of the representatives of the parties to the CSCM process, held in Mexico City in April 2004, the meeting was open to all other main and associate participants that wished to attend.

The meeting was attended by:

- Representatives of 10 of the 11 Coordinating Committee members: Algeria, Egypt, France, Italy, Malta, Morocco, Slovenia, Spain, Tunisia and the representative of the

Mediterranean Women's Task Force, Ms. A. Vassiliou (Cyprus);

- Representatives of nine of the other 14 main participants: Cyprus, Greece, Israel, Jordan, Lebanon, Monaco, Portugal, The former Yugoslav Republic of Macedonia and Turkey;
- Representatives of the following associate participants: United Kingdom, Palestine, Assembly of the Western European Union, European Parliament and Arab Inter-Parliamentary Union.

The session began with a presentation of developments that had taken place since the last meeting of the representatives of the parties to the CSCM process had been held in Mexico City, on 22 April 2004. In particular, the IPU had received an invitation from the Euro-Mediterranean Parliamentary Assembly to submit a request for it to attend the Assembly's upcoming meetings as an observer. The participants in the meeting recommended that the IPU formally request such observer status.

The discussion focused on the future of the proposed Parliamentary Assembly of the Mediterranean, and specifically on the examination of draft statutes for such an Assembly. After much debate, during which several amendments were adopted, the participants adopted the revised draft statutes (see page 66 for the text of the statutes).

At their last meeting, held in Mexico City, the representatives of the parties to the process had expressed support for convening a Fourth CSCM in the early part of 2005. Invitations to host the Fourth CSCM had been received from the parliaments of Greece and Monaco. The representatives agreed to hold the Fourth CSCM in Greece. That meeting would adopt the draft statutes as well as transform the CSCM process into a Parliamentary Assembly of the Mediterranean, which would be funded entirely by its participants.

### 3. Gender Partnership Group

The Gender Partnership Group held its fourteenth session on 25 and 26 September 2004 in Geneva. Participants included Ms. J. Fraser (Canada), Mr. R. Salles (France), Mr. T. Kawara (Japan) and Ms. M. Mensah-Williams (Namibia). Mr. Salles acted as moderator.

The Group studied the composition of the delegations attending the 111<sup>th</sup> Assembly, and welcomed the fact that women accounted for almost 29 per cent of delegates, the highest percentage ever reached. It also noted that, of the multi-member delegations attending the 111<sup>th</sup> Assembly, just 17 were composed of men only and none were composed entirely of women. While still substantial, that was the lowest percentage ever of all-male delegations attending an IPU Assembly (15.1 per cent).

The Group recalled that Articles 10.3 and 15.2(c) of the Statutes concerning the attendance of single-sex delegations at the Assembly provided for sanctions that would be implemented for the first time at the 111<sup>th</sup> Assembly. Five delegations were subject to the sanctions, namely those of Hungary, Kuwait, Saudi Arabia, Turkey and the United Arab Emirates. The Group stressed the importance of further monitoring the implementation and interpretation of Articles 10.3 and 15.2(c), as special cases and situations might arise which would be difficult to anticipate and would require guidance.

The Group paid particular attention to the question of how to handle the participation of single-member delegations in respect of the sanctions. It recommended that delegations represented by a single member not be exempt from the application of the sanctions provided under Articles 10.3 and 15.2(c). Therefore, for those sending successive single-member delegations, sanctions would only be avoided by alternating representation between men and women at successive sessions. That would be consistent with the general rule under which sanctions, if imposed, would be lifted when the Member sent a delegate of the gender that had not been represented, regardless of the number of delegates sent.

The Group noted that IPU budgets now included indicators aimed at assessing the position of men and women in IPU internal structures, the resources allocated to gender issues and the impact on men and women of each programme's outputs and objectives. It further noted that the 111<sup>th</sup> Assembly marked the first anniversary of the new results-based budgeting format. At the 112<sup>th</sup> Assembly in Manila, the IPU Secretary General would present a report quantifying each indicator and gauging the achievement of each objective. At that time, the Group would have an opportunity to take stock of the results, identify indicators requiring improvement and increased sensitisation, and make recommendations for future budgets.

Looking at the composition of the Secretariat, the Group noted the strong presence of women, although many were in lower grade positions. Regarding resource allocation, the Group welcomed the fact that the operational budget for the Programme for Partnership between Men and Women had increased slightly, though it was still relatively low.

Lastly, the Group held a dialogue with the delegation of Saudi Arabia regarding progress made in the promotion of the status of women in that country. The Group took note of the developments in Saudi Arabia in that field and expressed the hope that such progress would continue. It also welcomed the commitment made by the Saudi delegation to consider sending women advisers to future IPU meetings.

That dialogue was the first in a series that the Group was planning to undertake with delegations from countries that did not have women in their parliaments. The next dialogue session was scheduled to take place at the 112<sup>th</sup> Assembly in Manila.

## Other events

### **1. Panel on challenges facing international humanitarian law**

A panel discussion on challenges facing international humanitarian law was held on Tuesday, 28 September. The panel featured four keynote speakers, each of whom presented distinct areas of concern before the debate was opened to the floor. Mr. J. Kellenberger, President of the ICRC, spoke on various challenges facing

international humanitarian law and its enforcement, before turning to the issue of the security of humanitarian personnel in the field. Mrs. E. Wilmschurst, Head of the International Law Programme at the Royal Institute of International Affairs in London, considered challenges facing the enforcement of international humanitarian law, emphasising the need for parliaments to press their governments to ratify the Statute of the International Criminal Court. Mr. M. Sassoli, professor of

international law at the University of Geneva, alluded to various problems facing humanitarian law in the fight against terrorism and to the contradictions in the way that body of law was being enforced or sidestepped in the so-called war on terror. Dr. V. Biruta, President of the Senate of Rwanda, addressed the subject from an essentially national perspective, detailing the measures taken by his country to bring to justice the instigators and perpetrators of the 1994 genocide.

## **2. Hearing with UNAIDS Executive Director**

In the evening of 30 September, Dr. Peter Piot, Executive Director of UNAIDS, delivered a keynote address and responded to questions from participants on the HIV/AIDS pandemic and actions that parliaments and their members could take. In his presentation, Dr. Piot underscored that the HIV/AIDS pandemic was not only the most serious health issue faced by humankind, but also a societal problem that undermined development and threatened world security.

The hearing was organised by the Twelve Plus geopolitical group as part of its thirtieth anniversary celebration and was open to all participants attending the 111<sup>th</sup> Assembly.

## **3. Meeting of the Board of the Inter-Parliamentary Foundation for Democracy**

The Board met on 27 September, with its President, Senator D. Oliver (Canada) in the chair. The following were also present at the meeting: Mr. R. Salles (France), Mr. G. Chapman (Australia) via a phone link, Mr. S. Páez (President of the IPU) and Mr. A.B. Johnsson (Secretary General of the IPU), with the latter two attending in their capacity as ex officio members of the Board.

The Board reviewed arrangements for the registration of the Foundation under Swiss law, and took note of the Secretary General's report on that matter.

The Board elected Mr. G. Chapman as its Vice-President and formally appointed the Secretary General as the Secretary of the Board. It took note that one of its members, Mrs. I. Udre (Latvia), had resigned as a result of incompatibilities with her new position as a European Commissioner. The meeting recommended that consultations be carried out with a view to appointing a replacement.

The Board further discussed and approved a budget and a plan of work for year one of the Foundation's operations.

# Elections and appointments

## **1. Office of the President of the 111<sup>th</sup> Inter-Parliamentary Assembly**

Mr. S. Páez Verdugo, President of the Inter-Parliamentary Union, was elected President of the Assembly.

## **2. Executive Committee**

The Governing Council elected Ms. A. Vadai (Hungary) to replace, until September/October 2006, Mr. S. Fazakas, who was no longer a member of his national parliament, and Mr. S. Vejjajiva (Thailand) to replace, until September/October 2007, Mr. P. Rattanapian, who was no longer a member of his national parliament. It also elected Ms. K. Serrano Puig (Cuba) and Mr. A. Radi (Morocco) for four-year terms of office ending in September/October 2008.

## **3. Rapporteurs of the Standing Committees to the 112<sup>th</sup> Assembly**

*Standing Committee on Peace and International Security*

Mr. J. Argüello (Argentina)

..... (to be appointed)

*Standing Committee on Sustainable Development, Finance and Trade*

Mr. O. Martínez (Cuba)

Mr. R. del Picchia (France)

*Standing Committee on Democracy and Human Rights*

Dr. E. Tumwesigye (Uganda)

..... (Philippines)

Appointments to fill remaining vacancies for the 112<sup>th</sup> Assembly, as well as all co-Rapporteurs for the 113<sup>th</sup> Assembly, will be made by the IPU President acting in consultation with the Presidents of the Standing Committees.

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

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Mr. M. Mottaki (Islamic Republic of Iran) was elected substitute member for a five-year term of office ending in September/October 2009.

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

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Mr. F.K. Owusu-Adjapong (Ghana) was elected titular member for a four-year term of office ending in September/October 2008.

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#### **6. Gender Partnership Group**

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The Executive Committee appointed Ms. J. Fraser (Canada) and Mr. T. Kawara (Japan) as members of the Gender Partnership Group.

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#### **7. Auditors for the 2004 accounts**

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The Governing Council appointed Mr. R. Verrier (Cuba) and Mr. S. Vejjajiva as auditors for the 2004 financial year.

## Membership of the Union\*

### Members (140)

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

### Associate Members (7)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Latin American Parliament, Parliament of the Economic Community of West African States, Parliamentary Assembly of the Council of Europe

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\* At the closure of the Assembly

## Agenda, Resolutions and Decisions of the 111<sup>th</sup> Assembly of the Inter-Parliamentary Union

### AGENDA OF THE 111<sup>th</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION

1. Election of the President and Vice-Presidents of the 111<sup>th</sup> Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. The role of parliaments in strengthening multilateral regimes for non-proliferation of weapons and for disarmament, in the light of new security challenges  
*(First Standing Committee on Peace and International Security)*
4. The role of parliaments in preserving biodiversity  
*(Second Standing Committee on Sustainable Development, Finance and Trade)*
5. Beijing+ 10: An evaluation from a parliamentary perspective  
*(Third Standing Committee on Democracy and Human Rights)*
6. Amendments to the Rules of the Assembly
7. Approval of the subject items for the 112<sup>th</sup> Assembly and appointment of the Rapporteurs
8. The alarming situation in Iraq and the need for parliamentary action to contribute to restoring peace and security in that country  
*(Emergency item)*

**THE ROLE OF PARLIAMENTS IN STRENGTHENING MULTILATERAL  
REGIMES FOR NON-PROLIFERATION OF WEAPONS AND FOR DISARMAMENT,  
IN THE LIGHT OF NEW SECURITY CHALLENGES**

*Resolution adopted by consensus\* by the 111<sup>th</sup> IPU Assembly  
(Geneva, 1 October 2004)*

The 111<sup>th</sup> Assembly of the Inter-Parliamentary Union,

*Recognising* the risks to international peace, stability and security posed by the uncontrolled build-up and proliferation of armaments, and especially weapons of mass destruction and their means of delivery,

*Deeply moved* by the suffering and destruction inflicted upon humankind by the fatal impact of arms, wars and terrorist activities,

*Profoundly apprehensive* of the effects of the ongoing stockpiling of arms on the world economy, on the global environment, and on sustainable development in the world,

*Calling on* all States to strengthen regional efforts in the field of confidence-building measures for the purpose of promoting a climate of security and stability, peaceful relations and good-neighbourliness,

*Mindful* of the United Nations Charter, and especially Articles 2 and 26 thereof,

*Conscious* of the Universal Declaration of Human Rights and all other covenants, treaties and instruments related to human rights and respect for human dignity,

*Recognising* the primary and essential role of the United Nations General Assembly and the Economic and Social Council in promoting the advancement of women and gender equality, and also *recalling* United Nations Security Council resolution 1325 (2000) on women, peace and security,

*Reiterating* the importance of resolutions adopted by the IPU since 1994 on peace, security and disarmament, in particular at the 91<sup>st</sup>, 93<sup>rd</sup>, 94<sup>th</sup>, 96<sup>th</sup>, 98<sup>th</sup>, 101<sup>st</sup>, 102<sup>nd</sup>, and 108<sup>th</sup> Conferences, at the 109<sup>th</sup> Assembly and at the Special Session of the IPU Council, held in 1995,

*Concerned* that the proliferation of weapons of mass destruction remains a real threat, particularly when such weapons fall into the hands of States that act in contravention of international law and their treaty obligations, unaccountable non-state actors and terrorists, and in this connection *welcoming* United Nations Security Council resolution 1373 (2001) on threats to international peace and security caused by terrorist acts and Security Council resolution 1540 (2004) on non-proliferation of weapons of mass destruction,

*Mindful* of the importance of preventing the fight against terrorism from jeopardising the positive results achieved in the fields of disarmament obligations and confidence-building measures,

*Alarmed* at the widespread availability of vast quantities of weapons, from small arms of all types to mortars and landmines, all of which represent a threat to human security, as well as man-portable air-defence systems (MANPADS), which pose a growing threat to civil aviation, *confirming* the importance of properly

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\* The delegation of Israel said that it did not wish to oppose the adoption of the resolution, but wished to put on record its serious reservations in respect of several sections and paragraphs of the text. The delegation of India emphasised that its support for the resolution did not prejudice its position in respect of conventions, treaties or regimes to which it was not a party.

controlling small arms, and *pointing out* the need to crack down on illegal transactions in small arms by international organised crime groups and terrorist organisations, and on the criminal activities that fund such groups and organisations,

*Underscoring* the importance of the United Nations Register of Conventional Arms in enhancing openness and transparency in the field of armaments, and *supporting* the further strengthening of its operation and scope,

*Expressing appreciation* of the benefits of the arms control agreements already concluded, such as the Strategic Arms Reduction Treaty (START), the Treaty on Strategic Offensive Reductions (SORT) and the Treaty on Conventional Armed Forces in Europe (CFE Treaty), the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC), and *hoping* that they may be the precursors of further mutual arms reduction and disarmament agreements,

*Recalling* the importance of, and the need to respect, international law in times of armed conflict,

*Recognising* the progress made under the NPT and the resulting safeguards agreements, and *inviting* the nuclear powers and the other States Parties to the Treaty to give effect to the commitments they took during the NPT review and extension conferences held by the United Nations in 1995 and 2000, as well as to the recommendations thereof,

*Recognising* in particular the key role of multilateral non-discriminatory disarmament treaties such as the CWC and the BTWC, and *emphasising* the ongoing need to support and strengthen the NPT, while *expressing concern* that one State has decided to withdraw from this Treaty,

*Convinced* that the Comprehensive Nuclear-Test-Ban Treaty (CTBT) plays a central role in international nuclear disarmament and the maintenance of the non-proliferation framework based on the NPT, and that the enforcement of the CTBT is an effective and concrete way of achieving the elimination of nuclear weapons,

*Anticipating* the early conclusion of the Fissile Material Cut-off Treaty (FMCT) to freeze the nuclear weapon production capabilities of nuclear-weapon States and those States that are not party to the NPT,

*Mindful* of the mutual confidence engendered by regional nuclear-weapon-free zones such as those in the South Pacific, Africa, South-East Asia and Latin America,

*Valuing* the agreements concluded for the demilitarisation of Antarctica and the seabed as a way of protecting sensitive areas of the planet's ecosystem,

*Determined* to play a positive role in preventing access to weaponry by terrorist organisations, terrorists, international criminals and governments with offensive ambitions,

*Conscious* that the achievements in the field of non-proliferation, arms control and disarmament should not be taken for granted,

*Concerned* that the full implementation of certain arms reduction, disarmament and non-proliferation agreements is subject to delay and disputed interpretations, which diminish their effectiveness,

*Convinced* that a multilateral approach to disarmament and non-proliferation is the best way forward, as it secures lasting confidence and greater regional and international stability,

*Believing* that multilaterally negotiated, non-discriminatory, verifiable regimes to limit the transfer of key technologies in the field of chemical, biological and nuclear weapons and missile-related fields contribute to preventing the proliferation of weapons of mass destruction and their means of delivery,

*Committed* to the responsible control of trade in goods, equipment and technology, including dual-use materials, that could be used for the production of weapons of mass destruction and their means of delivery, and *recognising* the rights and responsibilities of States in their use of nuclear energy, chemical and biological agents and toxins for peaceful purposes,

*Pledging* to bring about fuller parliamentary involvement in the disarmament process, particularly in respect of nuclear, chemical and biological weapons of mass destruction, by bringing pressure to bear on governments and by ensuring detailed scrutiny of military budgets and procurement programmes,

*Eager* to help international parliamentary bodies, in particular the Inter-Parliamentary Union (IPU), to work actively for the promotion of the arms control, disarmament and non-proliferation process,

*Insistent* that governments share all relevant information more fully with parliamentarians on a basis of mutual trust,

1. *Calls on* all parliaments to provide strong and effective support to all resolutions and recommendations on peace, disarmament and security previously adopted at IPU Conferences and Assemblies;
2. *Urges* national parliaments to press their governments to sign, accede to and ratify, as appropriate, all conventions, treaties and other international instruments aimed at ensuring non-proliferation, arms control, disarmament and greater international security, and to implement them fully;
3. *Calls on* governments, national parliaments and the international community to address the root causes which create an environment that might lead people to resort to violence at the individual, national and international levels;
4. *Calls for* the convocation, under the auspices of the United Nations, of an international conference on combating terrorism, with a view inter alia to establishing a clear-cut definition of this serious problem;
5. *Invites* all countries to build on the existing achievements in disarmament, arms control and non-proliferation, so as to ensure that they are sustained processes in the future;
6. *Calls on* the United Nations to work more closely with the IPU in reducing tensions, resolving conflicts and fighting terrorism;
7. *Urges* parliaments also to focus on particular areas of international tension;
8. *Further urges* the bold identification of the most dangerous threats to international order and stability, such as the Arab-Israeli conflict and the conflicts in Iraq and Afghanistan, the situation in the Darfur region and the Great Lakes region of Africa, and other trouble spots that could pose a serious threat and that require urgent political action to prevent conflict;
9. *Calls for* more actively sustained efforts for post-war reconstruction to be undertaken by the United Nations, so as to prevent new outbreaks of armed conflict, terrorism and lawlessness, with a continuous focus on the establishment of good governance and the rule of law;
10. *Calls on* all governments and multilateral organisations to support efforts to achieve the immediate cessation of all forms of occupation, as well as to recognise formally the responsibility of all occupying forces to remedy all ills caused by occupation and to act according to international law;

11. *Encourages* the Secretariats of the IPU and the United Nations to enhance the exchange of information, cooperation and coordination between the two institutions and among their Members;
12. *Calls on* all countries to refrain from the unilateral use of force in the absence of a relevant United Nations Security Council resolution;
13. *Calls on* parliaments to monitor closely the national implementation of all arms control, non-proliferation and disarmament treaties and United Nations resolutions, to engage in an exchange of information on best practices for such monitoring and to report back to the IPU Assembly on progress made;
14. *Further calls* for broader participation by States in the United Nations Register of Conventional Arms;
15. *Recommends* that parliaments closely monitor the compatibility of the decisions of their respective executive branches on strategic doctrines, the build-up of armed forces and weapons research and development or production, with the United Nations Charter, generally accepted norms and principles of international law and valid international agreements;
16. *Encourages* parliaments to adopt appropriate national legislation to control the export of armaments of all types, more particularly focusing on items relating to weapons of mass destruction, such as components and precursors;
17. *Urges* the parliaments and governments of States which have not signed or ratified the CTBT to take all necessary measures to achieve its speedy entry into force;
18. *Insists* on the need to strengthen further the BTWC, in particular to establish a legally binding mechanism for its verification;
19. *Calls on* European parliaments and Governments to ratify without delay the Adaptation Agreement relating to the CFE Treaty, taking into account its paramount importance for maintaining a high level of security and stability in Europe;
20. *Urges* the further development of nuclear-weapon-free zones, and particularly the full implementation of United Nations Security Council resolution 687 (1991), through which the Middle East should be declared a zone free of weapons of mass destruction and their means of delivery;
21. *Calls for* accession by all States to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and their Destruction, as well as to amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects;
22. *Calls on* States Parties to the Ottawa Convention to participate at a high level in the First Review Conference, to be held in November-December 2004 in Nairobi, and to prepare and present at that Conference national plans for mine-clearance and victim assistance activities for the coming years;
23. *Calls also* for accession by States to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, with a view to enabling its entry into force;

24. *Calls on* governments to increase support for the International Atomic Energy Agency (IAEA) and to negotiate and bring into force required comprehensive safeguard agreements, as well as additional protocols and enhanced nuclear safety arrangements;
25. *Encourages* the United Nations Security Council and the IAEA to establish thorough monitoring regimes in all States suspected of having clandestine programmes aimed at acquiring weapons of mass destruction, especially nuclear weapons;
26. *Further calls on* all countries to intensify efforts for the implementation of Security Council resolution 1540 (2004) and of United Nations General Assembly resolution 58/48 (2003), to prevent the spread of weapons of mass destruction and their means of delivery, and to consolidate policies aimed at preventing the transfer, especially to terrorists, of equipment, materials and technology which may be used for the proliferation of such weapons;
27. *Urges* parliaments to enact legislation holding governments responsible when they allow arms to be leaked to terrorists and organised crime groups, and prohibiting such leaks;
28. *Urges* all countries that have signed the Open Skies Treaty to ensure that it is fully applied so as to safeguard against surprise attacks and build mutual confidence;
29. *Calls on* parliaments to ensure the full implementation at all times of the Antarctic Treaty, the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof (the Seabed Treaty) and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;
30. *Calls on* governments to pursue multilateral negotiations to conclude a convention complementing the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, by prohibiting the deployment of weapons in space;
31. *Requests* the United Nations, in its efforts to implement its Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, to cooperate closely with the IPU, in particular in view of the July 2005 Biennial Meeting to review implementation of the Programme of Action;
32. *Encourages* all regional bodies to campaign actively for the reduction and control of trade in small arms;
33. *Asserts* the vital role of women and women's organisations in achieving the peaceful resolution of conflicts and in establishing peaceful, harmonious, non-aggressive societies and families, based on humanitarian values;
34. *Encourages* alternative perspectives of conflict prevention at the grass-roots and community levels, and *calls for* States to build on them throughout society, making funding available for women's organisations and non-governmental organisations, and establishing an international humanitarian fund;
35. *Recommends* that the United Nations, especially the Department for Disarmament Affairs, further strengthen cooperation with the IPU, in particular in implementing its Gender Mainstreaming Action Plan, which is aimed at strengthening, consolidating, informing and guiding future disarmament work;
36. *Also recommends* that the IPU, through the members of its affiliated parliaments, actively support the implementation of all relevant United Nations General Assembly and Economic and Social Council resolutions on the promotion of the advancement of women and gender equality,

as well as Security Council resolution 1325 (2000) on women, peace and security, taking into account the recommendations pertaining to women and war that are contained in the Beijing Platform for Action of 1995;

37. *Calls on* parliaments to ensure that, whenever applicable, legislation is compatible with the Statute of the International Criminal Court, in particular that it includes provisions sanctioning crimes committed against women;
38. *Urges* greater access of women to media and communications facilities, so that their message against conflict can be widely disseminated;
39. *Recommends* the development of multicultural and transnational – global and regional – initiatives to allow women to play a full part in the prevention and resolution of conflicts, with the active participation of the IPU in this crucial role.

## THE ROLE OF PARLIAMENTS IN PRESERVING BIODIVERSITY

*Resolution adopted unanimously by the 111<sup>th</sup> IPU Assembly  
(Geneva, 1 October 2004)*

The 111<sup>th</sup> Assembly of the Inter-Parliamentary Union,

*Recalling the:*

- International Plant Protection Convention, 1951;
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the Ramsar Convention on Wetlands), 1971;
- Declaration of the United Nations Conference on the Human Environment, 1972;
- Convention concerning the Protection of the World Cultural and Natural Heritage, 1972;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973;
- Convention on the Conservation of Migratory Species of Wild Animals, 1979;
- Establishment of the United Nations Working Group on Indigenous Populations, 1982;
- World Charter for Nature, 1982;
- United Nations Convention on the Law of the Sea, 1982;
- International Undertaking on Plant Genetic Resources, 1983 (superseded by the International Treaty on Plant Genetic Resources, 2001);
- Report of the World Commission on the Environment and Development, *Our Common Future*, 1987;
- Convention on Biological Diversity, 1992;
- Rio Declaration on Environment and Development, 1992;
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000; and
- Plan of Implementation of the World Summit on Sustainable Development (the Johannesburg Plan of Implementation), 2002,

*Also recalling the:*

- Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats, 1979;
- United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context, 1991, and its Protocol on Strategic Environmental Assessment, 2003; and
- United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998,

*Recognising* that biodiversity – variability within and among living organisms and the systems they inhabit – is critical to the survival of the planet and the species that inhabit it as humankind has known them,

*Convinced* that an improved public understanding of the term "biodiversity", as used in the Convention on Biological Diversity, will heighten its practical use in some national and local conservation strategies,

*Acknowledging* the work of the World Conservation Union (IUCN) aimed at the difficult task of establishing the status of global biodiversity,

*Recognising* that the conservation of biodiversity is a prerequisite for sustainable development insofar as such efforts are vital for poverty alleviation, food security, the provision of fresh water, biomass energy, soil conservation and human health,

*Stressing* the importance of protected areas such as biosphere reserves – including transboundary biosphere reserves – in achieving the goals of the Convention on Biological Diversity,

*Acknowledging*, in this respect, the role of the United Nations Educational, Scientific and Cultural Organization's Man and the Biosphere Programme and the Seville Strategy for Biosphere Reserves in promoting the preservation and sustainable use of biodiversity,

*Recalling* that the current rate of biodiversity loss represents the first significant extinction event caused by human activity in the Earth's history,

*Recognising* that the Convention on Biological Diversity is the principal international instrument addressing the conservation and sustainable use of biodiversity,

*Noting* that the Convention on Biological Diversity does not clearly refer to the core causes of biodiversity loss, including inter alia population growth and unsustainable production and consumption patterns,

*Also noting* that the greatest threats to biodiversity resulting from human activity are habitat loss and deterioration, climate change, invasive alien species, over-exploitation and pollution,

*Aware* that under the Convention on Biological Diversity, States have sovereign rights over their biological resources,

*Underscoring* that in a transboundary context the sound management of natural resources and the preservation of biodiversity and ecological balance require consultations and the full cooperation and coordination of efforts between neighbouring States, within the applicable international, regional and bilateral legal frameworks,

*Recalling* the commitments undertaken at the World Summit on Sustainable Development and the Sixth Conference of the Parties to the Convention on Biological Diversity aimed at reducing significantly the current rate of biodiversity loss by 2010,

*Also recalling* in particular the programme of work on protected areas adopted during the Seventh Conference of the Parties to the Convention on Biological Diversity,

*Further recalling* that biodiversity conservation must go beyond in situ conservation efforts in protected areas, and that such efforts are by themselves insufficient to stem the loss of biodiversity,

*Noting* that the goods and services provided by ecosystems are not taken into account by conventional econometric methods,

*Recalling* paragraph 44(r) of the Plan of Implementation of the World Summit on Sustainable Development aimed in particular at enhancing synergy and mutual supportiveness between the Convention on Biological Diversity and the policies and international trade agreements of the World Trade Organization,

*Considering* the Policy Statement adopted on 16 May 2002 at the High-Level Meeting of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, on the need to integrate the Rio Conventions into cooperation activities for development,

*Recalling* the entry into force of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,

*Reaffirming* that the fair and equitable sharing of benefits arising from the use of genetic resources is one of the central objectives of the Convention on Biological Diversity,

*Concerned* that the commercialisation of biodiversity may perpetuate historically inequitable relationships between the developed and developing countries (including States with tropical forests), and *aware* that the Conference of the Parties to the Convention on Biological Diversity is the forum which considers these issues and endeavours to find workable and equitable solutions,

*Noting* that providers of genetic resources and traditional knowledge have limited means with which to prevent their misuse by multinational corporations and that, to address these shortcomings, existing mechanisms must be implemented and further developed, including national legislation, the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilisation (adopted by the Conference of the Parties to the Convention on Biological Diversity) and the International Treaty on Plant Genetic Resources for Food and Agriculture,

*Observing* that while a number of States require assistance to safeguard, through ex situ measures, elements of their biodiversity, for example through the maintenance of seed banks, only a few (10) have to date called upon the services of the International Plant Genetic Resources Institute,

*Noting with alarm* the drastic impact that human activity has had on the biodiversity of inland waters and ocean systems that are beyond the jurisdiction of individual governments,

*Stressing* the need for a comprehensive and accurate environmental impact assessment to be conducted before any project is undertaken that may affect biodiversity,

*Recognising* the importance of the close link between environmental diversity and sustainable development questions, in ensuring a healthy life for present and future generations,

*Concerned* that world leaders have neither given adequate political priority to biodiversity, nor adequately funded relevant international organisations such as the United Nations Environment Programme (UNEP),

*Also concerned* at the lack of international public awareness of the consequences of biodiversity loss for people in general and in developing countries in particular,

1. *Calls on* States that have not yet done so to ratify or accede to the Convention on Biological Diversity and its Cartagena Protocol on Biosafety, as well as the other biodiversity-related treaties and agreements adopted at the international and regional levels;
2. *Calls on* governments to take more effective action in implementing the Convention on Biological Diversity in order to achieve the target set by the World Summit on Sustainable Development of reducing significantly the current rate of biodiversity loss by 2010;
3. *Encourages* governments to implement effectively international and regional agreements related to biodiversity and to improve coordination in order better to meet the goals of the Convention;
4. *Recommends* that all States foster cooperation among the countries in their regions that share transboundary resources, in the interest of the conservation of biodiversity, through the sharing and exchanging of information and knowledge about the preservation and retention of such resources;
5. *Calls for* coordinated action by the countries concerned with a view to protecting natural habitats situated in border areas, particularly transboundary biosphere reserves, in conformity with the multilateral and bilateral agreements and legally binding instruments to which they are party;

6. *Urges* these countries to notify and consult with each other on projects that might have adverse effects on shared natural resources, and to make sure that comprehensive environmental impact assessments are conducted before such projects are implemented, in accordance with international standards, including appropriate public consultation and an evaluation of the transboundary impact;
7. *Urges* governments to focus their efforts on the immediate implementation of the programme of work on protected areas, with a view to establishing, by 2010 in terrestrial areas and by 2012 in marine areas, comprehensive, effectively managed and ecologically representative national and regional systems of protected areas;
8. *Recommends* that governments recognise inter alia population growth and unsustainable production and consumption patterns as core causes of biodiversity loss;
9. *Urges* governments to address the mechanisms of biodiversity loss, inter alia by examining and coordinating methods to reduce habitat loss and deterioration, by monitoring and eliminating invasive alien species and by addressing climate change by fully and effectively implementing the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and its Kyoto Protocol, and other international agreements;
10. *Recommends* that all States do their utmost to conserve their biodiversity, using in situ and ex situ methods where appropriate, and that they apply for the assistance of the International Plant Genetic Resources Institute;
11. *Calls on* governments to take more effective action in general in implementing the Convention on Biological Diversity, through existing and functioning thematic programmes and intersectoral activities, by:
  - Fostering the ecosystem approach developed by the Convention on Biological Diversity as a key concept for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way; and
  - Incorporating the objectives of biodiversity conservation in all sectors, including agriculture, fisheries, forest management, water management, tourism and transportation;
12. *Encourages* governments to commit themselves to the establishment of an international regime on access to genetic resources and the fair and equitable sharing of benefits;
13. *Also encourages* governments to carry out cooperation in biodiversity conservation, and *invites* international organisations and developed countries to take concrete action in helping developing countries in this regard, through financial assistance, technology transfer and capacity-building;
14. *Urges* governments to give full consideration in their trade policies to the objectives of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, recognising the objective of mutual supportiveness of trade and environmental protection agreements in achieving sustainable development;
15. *Calls on* parties and governments to strengthen their efforts at all levels for the full implementation of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety, in particular through increased allocations of the human, financial and technical resources required, both in developed and developing countries;
16. *Also calls on* governments to develop and coordinate efforts to reduce significantly the loss of biodiversity in ocean and sea areas beyond national jurisdiction;

17. *Further calls on parliaments to take action aimed at:*
  - Assessing the economic and social benefits associated with the sound management of ecosystems, with a view to incorporating the economic and social value of goods and services provided by biodiversity in decisions involving public finance, policy, planning, and natural resource management;
  - Developing appropriate and country-specific economic and social incentives to foster the conservation and sustainable use of biodiversity, bearing in mind local factors which influence biodiversity;
  - Eliminating or reducing policies and practices that produce incentives leading to biodiversity loss or deterioration;
  - Ensuring that the objectives of the Convention on Biological Diversity are integrated into national sectoral and cross-sectoral programmes and policies;
  - Updating and developing, where needed, the legal framework which relates to the preservation and sustainable use of biodiversity;
  - Promoting the necessary mechanisms to allow input from civil society organisations and special interest groups in the decision-making process related to biodiversity;
  - Increasing knowledge, understanding and awareness, among civil society and decision-makers, of the relationship between conservation and the sustainable use of biodiversity on the one hand, and economic growth and social welfare on the other;
18. *Undertakes to develop inter-parliamentary cooperation as a means to promote international partnership in support of effective preservation and the sustainable use of biodiversity worldwide;*
19. *Recommends that special committees be established for environmental affairs in parliaments where such committees do not yet exist, addressing conservation and the sustainable use of biodiversity;*
20. *Calls on governments to strengthen the Global Environment Facility;*
21. *Recommends that governments monitor and report on progress made in reaching the 2010 target for the reduction of biodiversity loss;*
22. *Calls on governments to promote coherent international environmental governance, including increased cooperation and harmonisation between relevant organisations, programmes and conventions, in order to avoid overlapping and achieve synergies.*

## BEIJING + 10: AN EVALUATION FROM A PARLIAMENTARY PERSPECTIVE

### *Resolution adopted by consensus\* by the 111<sup>th</sup> IPU Assembly (Geneva, 1 October 2004)*

The 111<sup>th</sup> Assembly of the Inter-Parliamentary Union,

*Recognising* the fundamental importance of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), its Optional Protocol, and the Declaration on the Elimination of Violence against Women, and other regional instruments, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women,

*Reaffirming* the Declaration and Platform for Action adopted at the Fourth World Conference on Women, held in Beijing in September 1995, and the outcome document adopted at the United Nations General Assembly Special Session, Women 2000: Gender Equality, Development and Peace for the 21<sup>st</sup> Century (Beijing+5),

*Recognising* the comprehensive nature of the Beijing Declaration and Platform for Action and the 12 critical areas of concern highlighted, relating to the social, cultural, economic and political status of women worldwide,

*Cognisant* of the national action plans developed by 119 Member States of the United Nations, outlining their governments' progress in implementing the commitments announced at the Beijing Conference,

*Reaffirming* the United Nations Millennium Declaration and the Millennium Development Goals contained therein, in particular, the goal of gender equality and the empowerment of women, without which development cannot be sustained, and *also noting* that the implementation of the Beijing Platform for Action is an essential prerequisite for meeting all the Millennium Development Goals,

*Recalling* paragraph 4 of the IPU Universal Declaration on Democracy (1997), which states that "The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences",

*Recalling* the IPU's Plan of Action to correct current imbalances in the participation of men and women in political life, adopted by the Inter-Parliamentary Council (Paris, March 1994), and the Beijing Parliamentary Declaration, adopted by participants in the Parliamentarians' Day on the occasion of the Fourth World Conference on Women,

*Reaffirming* relevant IPU resolutions, particularly,

- 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 (Havana, April 2001);
- Promoting greater respect and protection of human rights in general and in particular for women and children (Beijing, September 1996);

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\* Following adoption of the resolution, the delegation of India while indicating its support, expressed reservations regarding the term "human security" which figures as a subheading of the resolution. In its view, that was still a nebulous concept and there was no internationally accepted definition thereof.

- Parliamentary action for women's access to and participation in decision-making structures aimed at achieving true equality for women (Madrid, April 1995); and
- Policies to put an end to violence against children and women (Pyongyang, May 1991),

*Underscoring* the fundamental role played by women in all sectors of society,

*Noting* that ten years after the Beijing Conference, women continue to be underrepresented in decision-making positions in parliament, government, public administration, international organisations, justice systems and the economy, and that an equal participation of both women and men in positions of power is urgently needed for reasons of human rights, justice, democratic legitimacy and efficacy of public policy,

*Dismayed* that ten years after the Beijing Conference, effective gender equality is still far from being a reality: women continue to be paid less for work of equal value, more often than men are victims of poverty and unemployment, and are more frequently subjected to violence, and *appalled* at the discrimination faced by the girl child in the fields of education, health and personal development,

*Extremely worried* about the level of violence against women, including domestic violence, and *regarding* this as a main issue in the struggle for the protection of women, gender equality, empowerment of women and human rights,

*Noting* that the Forty-ninth Session of the United Nations Commission on the Status of Women (UNSCW), to be held in 2005, is an important event for the review and appraisal of the decade since the Beijing Conference,

*Stressing* the key role of parliaments and parliamentarians in promoting gender equality through their legislative, budgetary, policy and oversight functions and their mobilisation of public opinion and support,

#### **Measures to strengthen parliamentary action in these fields**

1. *Reaffirms* its commitment to the objectives set out in the Beijing Platform for Action and *calls for* a commitment of both men and women parliamentarians to strengthen parliamentary action to achieve gender equality both internationally and nationally, and to monitor progress on the fulfilment of commitments made at the Beijing Conference;
2. *Recommends* that parliamentarians be adequately represented at the Forty-ninth Session of the UNCSW, to be held from 28 February to 11 March 2005 in New York, which will review the implementation of the Beijing Platform for Action and the outcome document of the United Nations General Assembly Special Session held in 2000;
3. *Calls upon* parliaments to promote efforts to achieve the Millennium Development Goals, including the promotion of gender equality, the empowerment of women, and the reduction of maternal mortality rates;
4. *Urges* parliaments to hold a debate on the status of national implementation of the Beijing Platform for Action before the Forty-ninth Session of the UNCSW, allowing for adequate input from women's organisations and non-governmental organisations; *urges* parliamentarians of States that have not yet submitted their responses to the *Questionnaire to Governments on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-third Special Session of the General Assembly (2000)* to enquire about the reasons for this delay and to arrange for their governments to present their responses as soon as possible; and *further urges* parliaments to debate the results of the Session of the UNCSW in order to ensure adequate parliamentary follow-up;

5. *Recommends* that there should be a stronger presence of women in decision-making structures within national parliaments and inter-parliamentary forums, as well as a gender-balanced national representation in foreign parliamentary relations, at both the bilateral and multilateral levels;
6. *Encourages* parliaments to play an active and positive role in the promotion of gender equality and to implement measures aimed at ensuring gender equality in representation, by establishing parliamentary committees on gender equality, composed of both men and women, making use of the tools of gender-budgeting analysis, ensuring the gender mainstreaming of all decisions and legislation, and allocating sufficient resources to these activities;
7. *Recommends* that parliaments strive for equal representation and participation of women and men in their work and that the number of women in all parliamentary committees increase, aiming for a target of 50 per cent in accordance with the outcome document adopted at the United Nations General Assembly Special Session, Women 2000: Gender Equality, Development and Peace for the 21<sup>st</sup> Century (Beijing+5), or at least 30 per cent, so that women can bring about changes in the approaches to the legislation prepared, and also, but not solely, incorporate their diverse perspectives and concerns;
8. *Highlights* the need to strengthen gender expertise to support and provide advice to parliamentarians and parliamentary bodies in ensuring the development of effective and sustainable gender equality initiatives;
9. *Calls upon* parliamentarians to play a more active role in the process of gender mainstreaming in every area of life;
10. *Further encourages* national parliaments, and through them their governments, in the framework of systematic gender mainstreaming efforts, to ensure that all government policies and programmes are analysed from a gender perspective, for example, through the use of gender impact statements for proposed legislation; and *also calls upon* legislatures to adopt the practice of reviewing all legislation, including the budget, from a gender perspective and, to this end, to ensure that sex-disaggregated data are collected, analysed and used as a reference in policy-making and legislative affairs;
11. *Calls upon* parliamentarians, as overseers of their governments, to ensure that international commitments are upheld and implemented, particularly those that fall under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol;
12. *Invites* all parliamentarians, men and women, to establish strong links with existing institutional mechanisms working for women's rights and non-governmental organisations, including women's organisations, in order to find innovative solutions to the problems of gender inequality;

### **Addressing specific areas of concern**

#### **Political sphere**

13. *Invites* heads of State and government as well as leading figures in political parties to make strong, public commitments to gender equality and to make gender issues a permanent priority;
14. *Further invites* leaders to increase the proportion of women in decision-making positions at all levels, so as to ensure democratic development in all States;
15. *Calls upon* parliamentarians to challenge the social construction of gender-specific roles with a view to improving policies for women and men;

16. *Strongly urges* parliamentarians to promote a stronger presence of women in political parties and at all levels of decision-making through the adoption, for example, of quota systems or other forms of affirmative action; and *also urges* parliamentary committees to hold public inquiries to determine why women are underrepresented in electoral politics and to devise recommendations for their governments;
17. *Stresses* the need to ensure the full and equal access of women to civic education, information and training as voters and candidates, and to combat negative societal attitudes that discourage women's participation in politics;
18. *Requests* governments to establish and make public specific annual objectives for ministers and administrators in respect of the advancement and training of women in government and in respect of gender implications in policies and programmes, and to report annually and publicly on how these objectives have been met;
19. *Emphasises* the need to create a more supportive environment for women in parliament through an examination and, where required, a revision of standing orders and rules of debate and the establishment of gender-sensitive codes of conduct; and *encourages* the development of more family-friendly working hours;
20. *Requests* parliaments to take into account the question of the political responsibilities and family obligations of women and men and to provide them with the necessary facilities and support to reconcile both roles;
21. *Encourages* the development of training programmes for journalists and other media staff on the importance of the non-stereotypical portrayal of women and men and girls and boys;

### **Economic sphere**

22. *Calls upon* national parliaments to ensure that national laws enable women to participate in the economy, on an equal footing with men, for example by providing for separate taxation of income and by guaranteeing that women can freely purchase, sell and inherit property, own and manage business enterprises, and have access to loans;
23. *Endorses* the United Nations Millennium Development Goal of halving poverty by 2015; and *recommends* that governments do everything in their power to ensure that women's particular needs are taken into account in formulating poverty reduction strategies;
24. *Encourages* governments and intergovernmental organisations, as well as the International Monetary Fund and the World Bank, to promote the independence of women entrepreneurs in small and medium-sized enterprises, by providing them with micro credits and other financial assistance;
25. *Calls upon* parliaments to take appropriate legislative, budgetary and fiscal measures to improve the balance between work and family and to ensure that sufficient child-care facilities are available;
26. *Urges* parliaments and governments to promote equality between women and men on the basis of the following supplementary measures:
  - passing and ensuring effective implementation of comprehensive anti-discrimination laws;
  - guaranteeing equal access to education and training opportunities for women and girls;
  - helping women start businesses;
  - guaranteeing equal access to the labour market for both women and men;

- guaranteeing equal pay for work of equal value;
- promoting gender partnership using relevant public information efforts at schools and in the media;
- developing legislation to address gender issues, inter alia to ensure gender equality and equal participation at the management level and on boards of directors in the private sector;
- addressing and supporting the empowerment of rural women and their specific needs;

## Human security

27. *Underscores* the need for parliaments and governments to ensure the protection of everyone from any threats to their survival, dignity, and livelihood, particularly in the form of poverty, hunger, violence, sexual exploitation and trafficking in human beings, armed conflict, infectious diseases including HIV/AIDS, and a lack of access to education;
28. *Strongly endorses and encourages* further implementation of national reforms to broaden women's and girls' access to education and literacy programmes, ensure the right and access to reproductive and sexual health services, reduce poverty, and combat all forms of male violence against women and girls, including prostitution and trafficking in human beings;
29. *Calls upon* parliaments to pass laws against all forms of violence against women, including domestic violence, sexual abuse and harassment, incest, sexual exploitation, forced prostitution, murder, systematic rape, female genital mutilation and crimes against women committed in the name of honour; ensure that the laws they pass protect victims and punish perpetrators of violence against women; monitor the implementation and enforcement of such legislation and allocate resources to programmes aimed at eradicating violence against women;
30. *Urges* governments and parties in armed conflicts to respect fully the norms of international humanitarian law and take all measures required for the protection of women and children, in particular to put an end to sexual violence against women and girls, and to ensure that perpetrators of such violence are prosecuted;
31. *Calls upon* governments, parliaments and international and regional organisations to identify and condemn the use of the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing, and to take steps to ensure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation;
32. *Stresses* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including those relating to sexual violence against women and girls;
33. *Encourages* governments to consider the ratification and enforcement of international covenants on trafficking in persons, including the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, to address the factors that encourage trafficking in women, to increase collaboration among law enforcement agencies to dismantle networks in trafficking, and to allocate resources to rehabilitate victims of trafficking in society;
34. *Encourages* the media to enhance public knowledge and information about women's human rights and sustainable development, to support a culture of gender equality, and to combat discrimination and violence;

### Conflict resolution, reconciliation and post-conflict reconstruction

35. *Strongly endorses* United Nations Security Council resolution 1325 (2000) on women, peace and security, and *encourages* all parties involved to fully implement its recommendations;
36. *Recognises* the key role played by women as peace educators and caretakers of families and communities in conflict prevention, resolution and reconciliation; and *calls for* their full and equal participation in the development of democratic institutions once conflicts cease and during reconstruction processes, with a view to ensuring that sustainable peace can be built, based on mutual respect, cultural diversity and gender equality;

### The girl child

37. *Strongly urges* all parliamentarians to ensure that where stringent laws protecting children and their rights do not yet apply, such legislation is enacted, and *calls upon* governments and parliaments to take every appropriate measure, including the enactment of legislation, to end violence committed against girl children;
38. *Calls for* a special focus on, and a more sensitive framework for, dealing with the problems of the girl child in reviewing the impact of programmes, laws and proposed bills; more sex-disaggregated and gender-sensitive data, methods and research; monitoring of the girl child's education, health and employment and monitoring of cultural communities and migration; and further awareness of, and concern for, the girl child in all advocacy efforts for children;
39. *Recommends* that penal systems should ensure that appropriate protection is afforded to girl child criminal offenders, and that their rights are guaranteed, including the right to personal integrity and personal development;
40. *Encourages* the IPU to continue its work against female genital mutilation and other harmful traditions and practices, with increased vigour;
41. *Recommends*, where they do not yet exist, that girl child movements or organisations be established, as these serve as networks for sharing information and can call into question customs and practices that discriminate against girls;

### General

42. *Recommends* that international treaties and commitments related to gender issues, including the CEDAW, be widely disseminated in all communities, and that they be translated into national, ethnic and indigenous languages;
43. *Calls upon* parliaments of States that have not yet done so to ensure ratification of the CEDAW and its Optional Protocol, and *encourages* the IPU to continue promoting the role of parliament in the CEDAW process through its awareness campaigns and seminars;
44. *Calls upon* governments as well as international organisations, including the IPU, through its Secretariat, to collect and distribute sufficient statistical data to be able to analyse the gender-specific distribution of power – both in quantitative and qualitative terms – and to disaggregate all statistical data by sex, providing gender breakdowns;
45. *Calls upon* parliamentarians to encourage the development of leadership skills and to strengthen strategic partnerships for gender equality at the local/national, regional and international levels, so as to mainstream gender perspectives in their legislatures;
46. *Undertakes*, through the IPU Meeting of Women Parliamentarians, to monitor on a regular basis progress made by parliaments on the implementation of the Beijing Platform for Action.

## THE ALARMING SITUATION IN IRAQ AND THE NEED FOR PARLIAMENTARY ACTION TO CONTRIBUTE TO RESTORING PEACE AND SECURITY IN THAT COUNTRY

*Resolution adopted unanimously by the 111<sup>th</sup> IPU Assembly  
(Geneva, 1 October 2004)*

The 111<sup>th</sup> Inter-Parliamentary Assembly,

*Gravely concerned* by the deteriorating situation in Iraq, and *expressing profound sorrow* for all the victims, in particular among the civilian population,

*Reaffirming* the right of the Iraqi people to determine their own political future and control their own natural resources,

*Affirming* its adherence to the principles of maintaining the sovereignty, territorial integrity and security of Iraq,

*Recalling* the relevant resolutions of the Inter-Parliamentary Union (IPU), in particular the resolution adopted at the 108<sup>th</sup> Inter-Parliamentary Conference (Santiago de Chile, 2003), and the Statement issued by the Meeting of Speakers of Parliaments of the Countries Neighbouring Iraq (Amman, 2004),

*Recalling* the relevant United Nations resolutions, in particular United Nations Security Council resolutions 1546 (2004) and 1557 (2004),

*Conscious* of the role that the IPU must play in Iraq in promoting peace, democracy and cooperation by fostering dialogue and consolidating representative institutions,

*Noting* that there is now a consensus to hold an international conference to enable the Iraqi people to engage in a process of normalisation and democratisation and to facilitate the holding of free elections,

1. *Reaffirms* the fundamental importance of multilateralism and international cooperation in resolving conflicts between States, and of the United Nations as the only organisation authorised under its Charter to use force;
2. *Condemns* the killing of innocent Iraqis and other nationals, and the continued hostage-taking, including of humanitarian aid workers;
3. *Expresses its deep concern* about the damage inflicted on the country's cultural and religious sites;
4. *Reaffirms* that the United Nations must assume a leading role in the political process in Iraq, including the reconstruction process, and *stresses* that Iraq's wealth should not be used, nor its natural resources depleted, to implement the reconstruction process;
5. *Calls for* the holding of free and fair elections for the restoration of democracy and the rule of law and the establishment of a new and legitimate parliament in Iraq;
6. *Reaffirms* that the people of Iraq must retain sole ownership of all their natural and cultural resources, and *calls upon* the United Nations, its specialised agencies and the international community at large, to work closely with the Iraqi Interim Government to ensure that the stolen cultural heritage of Iraq is returned to that country;

7. *Strongly urges* all parties to ensure full respect for human rights, including religious, ethnic and cultural rights, and *also calls for* the full and equal participation of all Iraqis in the rebuilding of Iraq, with particular emphasis on the full participation of women in all phases of reconstruction and in the establishment of new political institutions for the country;
8. *Calls for* greater participation by all States in current efforts to assist the people of Iraq in the reconstruction and development of the Iraqi economy, including by the provision of international experts and necessary resources, through a coordinated programme of donor assistance;
9. *Calls on* all parties to ensure that women are fully integrated at all levels in the negotiation of peace agreements, and that the resulting reconstruction programmes include a gender perspective reflecting the special needs and inputs of women;
10. *Underscores* the fundamental role that neighbouring countries must play to bring a positive change to the current situation in Iraq by strengthening regional security, notably by easing tensions and providing humanitarian assistance and reconstruction aid so as to alleviate and bring an end to the suffering of the Iraqi people, all of which is directly linked to the security of the region;
11. *Calls for* the implementation of the recommendations contained in the Statement issued by the Meeting of Speakers of Parliaments of the Countries Neighbouring Iraq, held by the IPU in Amman on 12 and 13 May 2004;
12. *Encourages* the United Nations to avail itself of the expertise of the IPU when holding the international conference to contribute to the establishment of a democratic Iraq;
13. *Proposes* to the United Nations and the Iraqi institutions that they establish a partnership with the IPU in order to permit it to:
  - (i) Assist in the establishment and consolidation of the parliamentary institution;
  - (ii) Support the new Iraqi parliament during the discussion of the draft constitution;
  - (iii) Harness parliamentary diplomacy for the benefit of democratisation and regional stability;
14. *Decides* to follow developments closely in order to secure implementation of the foregoing recommendations without delay, and *invites* the President and the Secretary General to submit a report thereon to its 112<sup>th</sup> Session.

## Amendments to the Statutes and Rules of the Inter-Parliamentary Union

### 1. Amendments to the Rules of the Assembly

With a view to allowing the Meeting of Women Parliamentarians, which takes place after the statutory deadline for the submission of amendments, to submit amendments, the Assembly adopted an amendment to Rule 17.1 of its own Rules, which now reads as follows:

Any delegate may submit amendments to the draft resolutions prepared by the rapporteurs on the subject item included in the agenda approved by the Assembly. They shall be deposited with the Secretariat of the Assembly no later than one week before the opening of the Assembly. **However, the Meeting of Women Parliamentarians shall be permitted to submit amendments incorporating a gender perspective at any time prior to the closure of the first sitting of the respective Standing Committee. This Rule shall apply to the Coordinating Committee of Women Parliamentarians at the second Assembly of the year.** (cf. Standing Committees, Rule 12.2.)

### 2. Amendments to the Rules of the Standing Committees

(a) In order to harmonise the text of the Statutes and Rules, the Governing Council approved an amendment to Rule 12.2 of the Rules of the Standing Committees, which now reads as follows:

The rapporteurs shall also prepare a draft resolution on the subject to be debated in their Committee, which the Secretariat of the IPU shall send to the Members in advance of the session. Members may propose amendments to the draft resolution until one week before the opening of the Assembly. **However, the Meeting of Women Parliamentarians shall be permitted to submit amendments which incorporate a gender perspective to the draft resolutions at any time prior to the closure of the first sitting of the respective Standing Committee. This Rule shall apply to the Coordinating Committee of Women Parliamentarians at the second Assembly of the year.** The Committee will finalise the draft resolution and submit it to the Assembly for adoption (cf. Assembly Rule 17.1.)

(b) The Council also approved amendments to Rules 15.2 and 15.3 of the Rules of the Standing Committee, which now reads as follows:

#### Rule 15.2

The number of members of a drafting committee shall not normally exceed eleven. Its composition shall take into account equitable geographical distribution and political and gender balance. **The rapporteurs who have prepared the report and the draft resolution on the item placed on the Committee's agenda shall take part in the proceedings of the drafting committee as members or advisers.**

#### Rule 15.3

Only the members of a drafting committee or, in the event of their prolonged absence, their substitutes, **and the rapporteurs** shall have the right to speak.

(c) The Governing Council also approved the amendment of Rule 37.2 of the Rules of the Standing Committee, which now reads as follows:

Rule 37.2

2. It shall prepare the provisional summary record of the meetings which shall be circulated to all Members of the Union (~~within 60 days of the close of each session and submitted for the~~) **before the following session of** the Standing Committee (~~its approval at the opening of its next session~~), **when it will be submitted for approval at the opening sitting.**

**3. Amendments to the Financial Regulations**

Finally, the Governing Council approved the following amendments to the Financial Regulations:

- Delete Rule 6.2 (c) and Rule 6.3 (c)
- Insert before Rule 10.1(a) and renumber: "(a) Establish detailed financial rules and procedures in order to ensure effective and efficient financial management and the exercise of economy;"
- Insert after Rule 10.2: "... the Secretary General may, in exceptional circumstances, make such ex gratia payments as are deemed to be in the interests of the Union, and a statement of such payments shall be submitted to the Internal Auditors with the accounts".
- Insert after Rule 10 a new section entitled "PROCUREMENT", and the following new Rule 11, and renumber the remaining text accordingly.
- Rule 11
  - 1. Procurement functions include all actions necessary for the acquisition, by purchase or lease, of property, including products and real property, and of services, including works. The following general principles shall be given due consideration when the procurement functions of the Inter-Parliamentary Union are exercised:
    - (a) Best value for money;
    - (b) Fairness, integrity and transparency;
    - (c) Effective international competition;
    - (d) The interest of the Union.
  - 2. Equipment, supplies and other requirements shall be procured through an open competitive process, except in exceptional circumstances where the Secretary General deems that, in the interest of the Union, departure from this Regulation is desirable.

**Reports, Decisions, Resolutions and other texts  
of the 175<sup>th</sup> Session of the Governing Council  
of the Inter-Parliamentary Union**

**BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2005**

*Approved by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

**Net spending estimates by Division  
(in CHF, Swiss Francs)**

<b>DIVISION</b>	<b>2003 ACTUAL</b>	<b>2004 REVISED</b>	<b>2005 APPROVED</b>
Executive Office	832,901	911,800	859,000
Assembly Affairs and Relations with Member Parliaments	2,599,034	2,531,035	3,006,810
Promotion of Democracy	1,843,678	2,428,800	2,468,100
External Relations	1,144,954	1,508,000	1,609,900
Support Services	2,140,583	2,209,700	2,051,100
Transfers of Funds	939,243	226,195	212,000
<b>TOTAL</b>	<b>9,500,393</b>	<b>9,815,530</b>	<b>10,206,910</b>

**Spending estimates by object of expenditure  
(in CHF, Swiss Francs)**

<b>EXPENDITURE ITEM</b>	<b>2003 ACTUAL</b>	<b>2004 REVISED</b>	<b>2005 APPROVED</b>
Regular staff salaries	3,690,275	4,363,400	4,305,000
Benefits	1,573,849	2,043,100	1,691,700
Staff overheads	28,350	95,800	95,900
Overtime payments	67,311	36,000	58,000
Temporary and contract employees	984,240	320,600	311,400
Interpreters	-	483,785	714,400
Translations and editing	180,665	151,200	220,000
Other purchased services	76,265	212,200	239,500
Honorariums	30,000	30,000	30,000
Duty travel - transportation	356,027	333,800	554,300
Duty travel - allowances	139,391	139,500	202,600
Duty travel - incidentals	1,393	12,800	4,600
Rent	74,092	60,500	70,200
Heating	22,346	25,000	24,000
Electricity	27,316	30,000	28,000
Water	2,669	2,000	3,000
Buildings and grounds	8,652	25,800	24,300
Cleaning supplies and services	12,017	12,000	12,400
Security	8,313	-	8,000
Insurance	21,539	19,800	45,200
Office vehicles	5,234	3,000	5,000
Office furniture and equipment purchases	4,766	2,000	2,000
Equipment maintenance and repair	1,737	500	3,300
Equipment rental/leasing	164,554	152,700	163,000
Conference venue services	-	40,000	93,600
Stationery	46,205	53,500	51,100
Miscellaneous office supplies	28,540	45,300	34,100
Sundry expenses	61,185	33,400	11,200
Telephone/Telefax	70,696	60,900	64,700
Postage	98,780	127,000	106,500
Courrier services	27,971	14,500	31,700
Freight	49,825	33,250	33,310
Internet connection	53,331	50,600	50,000
Computer hardware maintenance	42,068	41,000	15,000
Computer software/supplies/service	37,897	30,000	32,600
Publishing	125,261	113,000	184,000
IPU web site	-	16,500	7,500
Online databases	47,196	50,500	40,500
Library acquisitions	4,464	15,000	21,000
Information activities	34,332	27,400	22,300
Official hospitality	77,735	47,000	95,100
Bank charges	75,921	3,000	4,000
Audit costs	8,352	5,000	5,000
ASGP	54,842	100,000	100,000
Amortization	258,748	322,000	375,900
Allowance for Doubtful Accounts	777,574	192,330	112,000
Working Capital Fund	106,823	-66,135	-
<b>TOTAL EXPENSES</b>	<b>9,568,750</b>	<b>9,910,530</b>	<b>10,306,910</b>
<b>RECOVERIES</b>	<b>-68,357</b>	<b>-95,000</b>	<b>-100,000</b>
<b>NET COST</b>	<b>9,500,393</b>	<b>9,815,530</b>	<b>10,206,910</b>

**TABLE OF CONTRIBUTIONS TO THE BUDGET  
OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2005**

*Approved by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

Members and Associate Members	Points	Amount of the contribution for 2005 (Swiss Francs)
Albania	0.20	22,690
Algeria	0.33	37,440
Andorra	0.20	22,690
Angola	0.20	22,690
Argentina	0.69	78,290
Armenia	0.26	29,500
Australia	1.50	170,200
Austria	0.84	95,320
Azerbaijan	0.35	39,720
Bahrain	0.22	24,240
Bangladesh	0.20	22,690
Belarus	0.48	54,470
Belgium	1.11	125,950
Benin	0.20	22,690
Bolivia	0.20	22,690
Bosnia and Herzegovina	0.23	26,100
Botswana	0.20	22,690
Brazil	1.57	178,150
Bulgaria	0.30	34,040
Burkina Faso	0.20	22,690
Burundi	0.20	22,690
Cambodia	0.20	22,690
Cameroon	0.20	22,690
Canada	2.89	327,920
Cape Verde	0.20	22,690
Chile	0.26	29,500
China	0.86	97,580
Colombia	0.30	34,040
Congo	0.20	22,690
Costa Rica	0.20	22,690
Côte d'Ivoire	0.20	22,690
Croatia	0.29	32,910
Cuba	0.27	30,630
Cyprus	0.21	23,820
Czech Republic	0.50	56,730
Democratic People's Republic of Korea	0.23	26,100
Democratic Republic of the Congo	0.20	22,690
Denmark	0.75	85,100
Djibouti	0.20	22,690
Ecuador	0.22	24,970
Egypt	0.25	28,370
El Salvador	0.20	22,690
Estonia	0.25	28,370
Etiopía	0.20	22,690
Fiji	0.20	22,690
Finland	0.69	78,290

Members and Associate Members	Points	Amount of the contribution for 2005 (Swiss Francs)
France	5.39	611,590
Gabon	0.20	22,690
Germany	7.93	899,800
Ghana	0.20	22,690
Greece	0.49	55,600
Guatemala	0.21	23,820
Guinea	0.20	22,690
Hungary	0.35	39,720
Iceland	0.22	24,970
India	0.50	56,730
Indonesia	0.33	37,440
Iran (Islamic Republic of)	0.86	97,580
Ireland	0.35	39,720
Israel	0.39	44,250
Italy	3.91	443,660
Japan	10.55	1,197,080
Jordan	0.20	22,690
Kazakhstan	0.45	51,060
Kenya	0.20	22,690
Kuwait	0.41	46,530
Kyrgyzstan	0.22	24,970
Lao People's Democratic Republic	0.20	22,690
Latvia	0.28	31,780
Lebanon	0.20	22,690
Liberia	0.20	22,690
Libyan Arab Jamahiriya	0.40	45,390
Liechtenstein	0.20	22,690
Lithuania	0.30	34,040
Luxembourg	0.24	27,230
Malaysia	0.30	34,040
Mali	0.20	22,690
Malta	0.20	22,690
Mauritania	0.20	22,690
Mauritius	0.20	22,690
México	0.95	107,800
Monaco	0.20	22,690
Mongolia	0.20	22,690
Morocco	0.22	24,970
Mozambique	0.20	22,690
Namibia	0.20	22,690
Nepal	0.20	22,690
Netherlands	1.49	169,060
New Zealand	0.40	45,390
Nicaragua	0.20	22,690
Niger	0.20	22,690
Nigeria	0.30	34,040
Norway	0.67	76,020
Pakistan	0.24	27,230
Panama	0.20	22,690
Papua New Guinea	0.20	22,690
Peru	0.24	27,230

<b>Members and Associate Members</b>	<b>Points</b>	<b>Amount of the contribution for 2005 (Swiss Francs)</b>
Philippines	0.25	28,370
Poland	0.60	68,080
Portugal	0.36	40,850
Republic of Korea	0.79	89,640
Republic of Moldova	0.30	34,040
Romania	0.34	38,570
Russian Federation	5.50	624,080
Rwanda	0.20	22,690
Samoa	0.20	22,690
San Marino	0.20	22,690
Sao Tome and Principe	0.20	22,690
Saudi Arabia	1.02	115,860
Senegal	0.20	22,690
Serbia and Montenegro	0.33	37,440
Singapore	0.30	34,040
Slovakia	0.28	31,780
Slovenia	0.27	30,630
South Africa	0.54	61,270
Spain	1.91	216,720
Sri Lanka	0.20	22,690
Sudan	0.20	22,690
Suriname	0.20	22,690
Sweden	1.15	130,490
Switzerland	1.20	136,170
Syrian Arab Republic	0.23	26,100
Tajikistan	0.21	23,820
Thailand	0.29	32,910
The FYR of Macedonia	0.20	22,690
Togo	0.20	22,690
Tunisia	0.22	24,970
Turkey	0.43	48,790
Uganda	0.20	22,690
Ukraine	0.60	68,080
United Arab Emirates	0.37	41,980
United Kingdom	4.54	515,140
United Republic of Tanzania	0.20	22,690
Uruguay	0.23	26,100
Uzbekistan	0.37	41,980
Venezuela	0.62	70,350
Viet Nam	0.20	22,690
Yemen	0.20	22,690
Zambia	0.20	22,690
Zimbabwe	0.20	22,690
Andean Parliament	0.02	2,270
Central American Parliament	0.01	1,130
East African Legislative Assembly	0.01	1,130
European Parliament	0.10	11,350
Latin American Parliament	0.02	2,270
Parliamentary Assembly of the Council of Europe	0.06	6,820
Parliament of the Economic Community of West African States (ECOWAS)	0.01	1,180
<b>TOTAL</b>	<b>89.52</b>	<b>10,156,910</b>

## COOPERATION WITH THE UNITED NATIONS SYSTEM

*Report and recommendations approved by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

*This document considers how the ongoing reform of the IPU structures can help to make cooperation between the IPU and the United Nations more efficient.*

1. Since it became an observer to the United Nations in 2001, the Inter-Parliamentary Union has sought to enrich the work of the United Nations by organising debates on issues that figure prominently on its agenda. These debates serve the triple purpose of channelling parliaments' views to the United Nations, allowing MPs to become better acquainted with the topics in question, and producing recommendations for follow-up action by parliaments and others.
2. Clearly, however, the IPU does not have the resources to take on the full range of issues on the United Nations agenda. It will therefore have to set priorities and determine which issues are sufficiently important, and sufficiently relevant to the work of parliaments, to warrant its attention. These subjects must then be transformed into different types of activities that are reflected in the annual work programme and budget.
3. Thanks to its new system of parliamentary rapporteurs, the IPU is in a position to prepare substantive reports with recommendations for action. While the rapporteurs maintain sole authorship of the reports and the freedom to prepare them as they see fit, the system allows for consultation with the full IPU membership, and most of the points raised by the Members find their way into the report. They are thus valuable as collegiate statements on different issues and how to address them.
4. There is nonetheless some leeway for improving the potential of the Standing Committee reports to represent an authoritative statement by the world parliamentary community. The United Nations asks for no less, and – as Members are aware – the UN has begun to test the ground for establishing its own formal machinery for interacting with parliaments. As things stand at the moment, it is unlikely that the Standing Committee reports will be seen by bodies outside the IPU as carrying sufficient weight to truly represent the views of the world's parliaments.
5. The Executive Committee has already discussed the fact that the reports have to be written to tight deadlines that impose restraints on the rapporteurs. If the calendar could be extended, the rapporteurs would have more time to gather facts, interview interested parties, make on-site visits, and attend meetings on the subject in question in other organisations.
6. The second current drawback is that the rapporteurs themselves have to be selected with great haste on the final days of the Assembly. A system allowing for more time for the selection of rapporteurs would make it possible to tap the world's parliamentary resources by consulting with parliaments and their select committees in order to find the necessary level of expertise, including among MPs who were not necessarily acquainted with the IPU as an institution.
7. The third, and perhaps the most significant obstacle to producing materials that will draw the attention of bodies outside the IPU relates to the subjects themselves. It has long been a tradition in the IPU that the subjects debated by each of the Committees enjoy a six-month lifespan, bequeathing a resolution that is posted on the IPU Web site and quoted from time to time. The tradition continues to this day. Moreover, a

number of subject proposals are submitted by the Members, and the item that emerges from the consultation process is often an amalgam of different suggestions bearing a title that is as verbose as it is vague.

8. It is suggested, in conclusion, that the time has come for the IPU to develop a multi-year agenda for each of its Standing Committees. This would imply an increased degree of specialisation within each Committee and the submission of reports that would have a preparation time of at least a year and serve as reference documents in the future by virtue of their enhanced authority.

9. The present note has been drawn up to assist Members in developing a multi-year agenda for the three Standing Committees. It has been drafted with the United Nations agenda and the broader international agenda for the coming years in mind.

#### Committee on Peace and International Security

10. The IPU's primary mission is to promote peace and security. Members pursue this activity through parliamentary diplomacy during IPU meetings and through bilateral visits. IPU support for the building of democratic institutions, human rights protection and gender partnership is also designed to promote peace and security. The following subject areas are high on the United Nations agenda and may therefore be considered for debate within the First Standing Committee over the coming years.

- The broad area of **conflict resolution**, whatever the cause (inter-ethnic strife, religious intolerance, territorial disputes, larger military operations, or a combination of all of these) is obviously a subject that falls to this Committee, and numerous proposals submitted by parliaments allude to it. A related issue is the **fight against terrorism**, which requires energetic legislative and oversight action by parliaments everywhere, not only to curb terrorist threats but also to address its root causes and ensure that human rights standards do not suffer in the process. The issue of **water** as a factor for geopolitical strife also deserves consideration.
- The IPU will hold a major debate on **disarmament** on the occasion of the 111<sup>th</sup> Assembly in Geneva. Disarmament covers a very broad gamut of issues, ranging from nuclear arms and other weapons of mass destruction to small arms. The production and proliferation of small arms presents a serious threat to peace and security in many parts of the world, as do chemical weapons, which are covered by an international convention.

#### Committee on Sustainable Development, Finance and Trade

11. The IPU can play an important role in mobilising parliamentary action on matters relating to sustainable development, finance and trade. The IPU accompanied the Earth Summit and the subsequent major United Nations conferences on sustainable development. Similarly, the Union has addressed the issue of financing for development, providing input to the Monterrey Conference and following up on its outcome. The IPU has an extensive programme to address trade and development issues. The following proposals may be considered for debate within the Second Standing Committee over the coming years:

- **International migration** is a major issue facing nearly every country of the world, albeit from different perspectives. It is first and foremost a sustainable development issue that is rooted in disparate levels of economic development and has important implications for a country's future development. It also has human rights and security aspects that need to be addressed in any debate. The issue is dealt with both within the United Nations system (UNDESA and ILO) and outside (IOM). The Global Commission on International Migration will deliver its report to the UN Secretary-General in mid-2005 and migration will be the subject of a UNGA high-level segment debate in early 2006.
- Many of the United Nations summits that have taken place over the last decade, including the Financing for Development Conference in Monterrey, have also sought to address the need to mobilise **financial support for development**. However, none of them have come to grips with either the **debt** issue (addressed by the IPU during several meetings in the mid- and late 1990s)

or the need to identify **innovative forms** of financing for development. Both subjects are high-priority issues on the agenda of the United Nations, and there will be a high-level debate on the subject in New York prior to the event to mark the fifth anniversary of the Millennium Assembly.

- It has also been suggested that the **twelve-year thematic programme** for United Nations follow-up to Rio and the WSSD might constitute a viable long-term work plan for this Committee. In the immediate future, work could begin on **access to water and alternative sources of energy**. Parliamentary action in these areas will be important in a variety of ways, not least to raise public awareness, help modify consumption patterns and mobilise public support for investing in alternatives.

#### Committee on Democracy and Human Rights

12. The IPU has a strong mandate to promote democracy and human rights. Much of it focuses on the working of the parliamentary institution, its role in democracies and how to strengthen its functioning, including as a guardian of human rights. IPU activities in this field also emphasise gender equity and partnership and include actions to strengthen women's participation in political life. The following proposals may be considered for debate within the Third Standing Committee over the coming years.

- The primary focus for this Committee should be the question of strengthening parliament as an institution. One aspect of this is the question of how to reinforce the **links between parliaments and civil society**. Another aspect is to do with the consolidation of parliament's role in **scrutinising the outcome of multilateral negotiations** and the activities of international organisations. This was central to the declaration adopted by the Presiding Officers in 2000, and has been alluded to in other major reports, such as the recent report by the World Commission on the Social Dimensions of Globalization (established by the ILO).
- This Committee will also debate items relating to **gender equality**.
- **Children in conflict**: Despite advances in the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, these children still endure appalling suffering in many parts of the world, where parties in conflict continue to violate international law relating to the rights and protection of children in armed conflict with impunity. **Child labour** and **trafficking in children** should also be addressed by this Committee. Parliaments, through their constitutional prerogatives, can take the lead in tackling these questions.
- There is considerable public debate on the concept of **cultural diversity**. Work is starting within UNESCO to develop an International Convention on the Protection of the Diversity of Cultural Contents and Artistic Expression. The Convention aims to underscore the need for striking a balance between culture and trade. The subject is also the theme for this year's Human development Report (UNDP).
- States are currently negotiating a United Nations Convention on **people with disabilities**. The Convention should be ready for adoption by the UNGA in the second half of 2005. There will be a need for parliamentary action to ensure early ratification and implementation of this convention.

#### Conclusions

13. In conclusion, the Governing Council is asked to consider the following recommendations:

- (a) That the Standing Committees be encouraged to take into account priority items on the United Nations agenda when selecting subjects for discussion at future meetings; that the Secretary General undertake further consultations with the United Nations Secretariat with a view to identifying major priorities for the United Nations which can form the basis for Standing

Committee items in the medium term, and submit a report thereon to the Executive Committee at its 244<sup>th</sup> session in Manila;

- (b) That the six-month cycle within which themes are currently debated in the Standing Committees be changed to a one-year cycle;
  - (c) That during the transitional phase, agenda items and rapporteurs for the 112<sup>th</sup> Assembly (Manila) should be selected at the 111<sup>th</sup> Assembly according to the existing system; that proposals for items for the 113<sup>th</sup> Assembly (Geneva) should also be decided at the 111<sup>th</sup> Assembly; and that the selection of rapporteurs would be entrusted to the IPU President and the Secretary General, in consultation with the Presidents of the three Standing Committees and on the basis of proposals to be made by the IPU Members immediately after the Assembly;
  - (d) That Member Parliaments should be reminded that when they submit proposals for Standing Committee agenda items, they may accompany the proposal with the name of a suggested rapporteur who need not belong to the parliament that submits the proposal; and that all nominations for rapporteurs should be supported by documents attesting to the expertise of the nominee on the subject in question.
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**SECOND WORLD CONFERENCE OF SPEAKERS OF PARLIAMENTS**  
United Nations, New York  
(September 2005)

**Agenda**

1. Adoption of the agenda
2. Presentation of the report on *Best practices for action taken by parliament to consolidate its involvement in international affairs*
3. Progress report on meeting the Millennium Development Goals
4. Presentation of the report on *The parliamentary dimension of democracy: a framework of criteria and good practice for addressing democracy within a country*
5. General Debate: *Parliaments and multilateral cooperation: meeting the challenges of the 21<sup>st</sup> century*
6. Adoption of the Final Declaration

## PROJECT PROPOSALS ON HIV-AIDS AND CHILD PROTECTION

*Approved by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

### BUILDING A GLOBAL FOCUS FOR THE WORK OF PARLIAMENTARIANS ON AIDS

**Summary:** It is proposed to establish a global focus for policy and information to promote and facilitate parliamentary action to combat the AIDS pandemic in order to:

- (i) provide advice and support to parliamentary committees addressing HIV/AIDS issues;
- (ii) help in related legislative activities, including by developing model legislation;
- (iii) facilitate exchanges of experiences between parliaments and their members;
- (iv) foster policy development; and
- (v) generally provide advice on AIDS-related issues to inter-parliamentary structures.

The mechanism will be set up by the Inter-Parliamentary Union – the world organisation of national parliaments – which will work in close contact and with the full support of UNAIDS and relevant regional parliamentary organisations and assemblies. The mechanism will be driven by a specialised IPU committee composed of members of parliament representing all geographical regions who have experience and competence in HIV/AIDS issues.

The project should ultimately help in meeting the Millennium Development Goal of halting and reversing the spread of AIDS by fostering much closer cooperation between the United Nations and parliaments – through the Inter-Parliamentary Union – as foreshadowed in the Millennium Declaration.

**The perceived need.** AIDS constitutes the principal barrier to development in many regions of the world. The expanding HIV epidemic is a major threat to human development and stability. Global AIDS efforts have intensified, specific AIDS goals and targets have been adopted by all nations, and the resources available to respond to AIDS in low- and middle-income countries doubled between 2000 and 2003 and are continuing to rise.

Parliamentarians worldwide are increasingly being called upon to exercise leadership on AIDS. Members of parliament are engaged in local, national, regional and, in some instances, global AIDS responses (see examples in attached note on parliamentary action to date) and AIDS-specific legislation has been enacted or debated in an increasing number of countries. Numerous projects and publications have sought to meet the needs of parliamentarians on a national basis, and in some cases sub-regional or regional initiatives have identified common concerns and modelled common responses.

However, there have been many calls from parliamentarians, from Africa and other continents, for a clearinghouse at the global level. What is needed is a central body that can coordinate advice and support to parliamentary committees addressing HIV/AIDS issues, help in legislative activities, including by developing and disseminating model legislation, facilitate exchanges of experiences between parliaments and their members, help foster policy development and generally provide advice on AIDS issues to inter-parliamentary structures.

The IPU is the international organisation of parliaments of sovereign States. The Union is the focal point for worldwide parliamentary dialogue and works for peace and cooperation among peoples and for the firm establishment of representative democracy. As the only organisation formally representing parliaments globally, and with a well-established structure for bringing parliamentarians together to work on issues of common concern, the IPU is well placed to serve as a global focal point for parliamentary action on AIDS.

**Proposal:** To develop and implement a multi-year plan of work supported by an IPU specialised Committee on HIV/AIDS, that would include – but not be limited to – the following activities:

- (i) establishing a global information and policy clearinghouse on the role of parliamentarians in the AIDS response. This would include collecting best practices and opening a dedicated section on the IPU Web site;
- (ii) providing advice and support to committees in national parliaments, formal and informal, that are called upon to address HIV/AIDS issues; encouraging networking among national parliamentary committees on HIV/AIDS, using newsletters, exchange visits and other means;
- (iii) assisting with exchanges between parliamentary drafting services preparing national AIDS legislation, or AIDS-related components of legislation, including through the development and dissemination of model AIDS legislation;
- (iv) mobilising and guiding the IPU membership in adopting effective and coordinated parliamentary action in the fight against AIDS;
- (v) overseeing the publication of an updated version of the IPU Handbook for Legislators on HIV/AIDS, Law and Human Rights and its translation into various languages.

Helping to drive the activities will be a specialised Committee composed of members of parliament selected on the basis of their particular experience and competence on HIV/AIDS issues. The six geographical regions identified in the IPU (Africa, Arab, Asia-Pacific, Eurasia, Latin America and "Twelve Plus" – Western group) will be represented on the Committee. Every effort will also be made to ensure gender equality on the Committee.

The Committee will be appointed by the IPU Governing Council which is the organisation's main policy-making organ. The Committee will initially hold one three-day meeting a year at IPU Headquarters, possibly increased to twice a year in subsequent years.

The Committee will organise at least one regional or inter-regional parliamentary meeting a year to focus on HIV/AIDS matters. It will also facilitate other forms of parliamentary exchanges, including by using modern information and communications technology. It will collect information and examples of best practices and prepare work tools and manuals for use by members of parliament. The specialised Committee will be serviced by the IPU Secretariat, including a dedicated policy officer as well as secretariat services to the Committee.

**Key partners:** The IPU is fully and solely responsible for managing the project. In so doing, it will work in close cooperation and with the full support of UNAIDS, including its co-sponsoring organisations. The IPU will also work closely with relevant regional and sub-regional parliamentary organisations and assemblies, particularly, but not exclusively, on the African continent.

**Process and timeline:** The proposal to establish a specialised Committee on AIDS with a work programme as outlined above has been endorsed in principle by the IPU's Executive Committee when it met in Mexico City in April 2004. The Union's Governing Bodies have requested that a formal proposal be developed with indications of funding requirements and possible sources of extra-budgetary funding. On the basis of such a proposal, the Union's Governing Bodies will take a final decision in Geneva in September-October 2004. Implementation of the project would start in January 2005 subject to availability of funding.

Funding is being sought for an initial period of three years. Structures and processes would be established in Year 1. In Year 2 key materials would be developed and networking arrangements established. Year 3 would ensure the smooth functioning of the specialised Committee and ensure the sustainability of its financing and operations through the contributions of, in particular, national parliaments.

It is proposed that the IPU gradually integrate the costs of running the specialised Committee and its programme of work in the normal IPU budget during the following two years so that it can be fully funded by the IPU as of Year 6.

**Budget:** The total cost for the first three years of the project has been estimated at Swiss francs 1,189,000 as per the broad budget outlined below.

	2005	2006	2007
Committee meetings (4)	60,000	110,000	110,000
Annual regional meeting	75,000	75,000	75,000
Work tools and manual		75,000	94,000
Web site development	20,000	5,000	5,000
Professional staff	142,200	149,300	156,800
<b>Subtotal</b>	<b>297,200</b>	<b>414,300</b>	<b>440,800</b>
Administrative overheads	17,800	24,900	26,400
<b>Total</b>	<b>315,000</b>	<b>439,200</b>	<b>467,200</b>
External funding	283,500	395,300	420,500
IPU contribution	31,500	43,900	46,700

Geneva, 25 June 2004

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#### INFORMATION NOTE ON THE ESTABLISHMENT OF A SPECIALISED COMMITTEE ON CHILD PROTECTION ISSUES

1. The promotion of children's rights has long been on the IPU's agenda. Through a variety of activities and projects, the IPU has been able to channel the voices of parliamentarians around the world on this subject. However, there is no single body within the IPU to focus on the challenges of child protection. It is therefore proposed that the IPU's commitment to children's rights be institutionalised through the establishment of a specialised committee on child protection issues.

2. Over the past four years, the IPU has worked together with UNICEF to protect the welfare and safety of children worldwide. The 106<sup>th</sup> IPU Conference in Ouagadougou, Burkina Faso (September 2001) saw the adoption of a resolution entitled *Protecting and Caring for Children, the Driving Force of Future Society*, covering a wide range of topics linked to child protection. In addition, a series of initiatives and projects have been organised, including four panels on child protection issues (Female Genital Mutilation, Worst Forms of Child Labour, Trafficking of Children and Commercial Sexual Exploitation of Children). Each panel elicited a number of follow-up activities. In May 2002, the IPU and UNICEF convened a Parliamentary Forum on Children as a parliamentary contribution to the UN Special Session on Children. This year, the IPU and UNICEF jointly published a Handbook for Parliamentarians on Child Protection.

3. Continued cooperation with UNICEF is envisaged through a series of upcoming projects, all externally funded by UNICEF or other external donors. These projects are outlined hereafter in the IPU-UNICEF Strategy Paper (2004-2006).

4. In view of both past and future activities on child protection issues, there have been many calls within the IPU for the establishment of a specialised committee on child protection. Past experience has shown that the lack of a specific body on child protection has made it difficult to ensure effective parliamentary input, monitoring or follow-up. Recommendations from several panels, as well as the Bureau of the Third Standing

Committee and the former Task Force on Female Genital Mutilation (FGM) have all encouraged the IPU to consider the establishment of a specialised committee on child protection issues.

5. The specialised committee would be established to follow child protection issues, with the help of UNICEF; to monitor at the parliamentary level challenges and progress in a variety of areas of concern; and to disseminate information, make recommendations and encourage parliamentary action. The results of such activities could, where appropriate, feed into the work of the IPU Standing Committees. The specialised committee would also guide and follow the overall activities carried out jointly by the IPU and UNICEF in this field. It would therefore serve as a focal point, or liaison, between the IPU and UNICEF, and other UN agencies working on the protection of children.

6. The specialised Committee would be composed of members of parliament selected on the basis of their particular experience and competence on child protection issues. The six geographical regions identified in the IPU (Africa, Arab, Asia-Pacific, Eurasia, Latin America and "Twelve-Plus" – Western group) will be represented on the Committee. Every effort will also be made to ensure gender equality on the Committee.

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## INTER-PARLIAMENTARY UNION-UNICEF STRATEGY PAPER (2004-2006)

### I. Objective of IPU-UNICEF collaboration

#### Overall

To promote greater parliamentary involvement in the follow-up to the World Fit For Children Conference (WFFC) and the Millennium Declaration (and Millennium Development Goals) thereby contributing to the full implementation of the Convention on the Rights of the Child (CRC). This would involve increasing parliaments' awareness of the obstacles to the fulfilment of children's rights, and enabling them more effectively to address those obstacles. This would also involve strengthening and facilitating regional and international cooperation among parliaments.

#### Projects

Various projects are contemplated in this cooperation between the IPU and UNICEF, including projects on:

- (a) Child protection
- (b) Child-friendly budgets
- (c) Legal reform

#### A. Child protection

Child protection projects will involve:

- **Handbook for Parliamentarians on Child Protection**  
Special launches, and national launches, in parliaments, are being encouraged with the support of IPU and of UNICEF country offices and efforts are being made to accompany each launch with a debate on child protection issues of national concern. In 2004, UNICEF funded translations into French, Spanish and Arabic at an estimated cost of \$30,000. An additional \$49,000 is required to cover the costs of printing and distribution.
- **Child trafficking**  
Following the Panel Discussion on Trafficking in Children in April 2003, an in-depth guide on anti-trafficking measures for parliamentarians was developed, building on presentations made during the

panel and discussions that followed. The content of the publication is currently being finalised by a consultant employed by UNICEF. A total of \$24,000 is sought for this purpose.

- **Female genital mutilation and cutting (FGMC)**

The IPU Secretariat and UNICEF have proposed:

- (a) organising a regional parliamentary conference early in 2005, with the objective of enhancing parliamentary action, raising awareness and familiarising MPs with the TOSTAN experience and similar successful initiatives to eliminate FGMC; and
- (b) promoting country-by-country workshops for national mobilisation to eliminate FGMC.

The project has been submitted to external funding. Part of the funding is already secured through support from Italy and the United Kingdom.

- **IPU-UNICEF Virtual Resource Centre for Child Protection**

As recommended by the Panel on Commercial Sexual Exploitation, the Virtual Resource Centre would make child protection materials available on the Internet for parliamentarians and their staff working on child protection legislation, oversight and budget. The resource centre would be interactive, thereby enabling exchanges of information and ideas among its users. The decision to proceed with the Centre would depend on the mobilisation of necessary funding.

## **B. Child-friendly budgets**

- **Handbook for Parliamentarians**

The purpose of the joint IPU-UNICEF project is to mobilise parliaments in legislation and oversight on child-friendly budgets that would permit actions for children to be fully resourced at country level. A range of activities are to take place, culminating in the production of an IPU-UNICEF handbook for parliamentarians on budget initiatives for children's rights. On the basis of the handbook, regional workshops with parliamentarians will be organised in 2006-2007. UNICEF has budgeted the funds necessary to take the project up to the point where the content of the handbook has been finalised. Funds will then be required to cover its translation, design, printing and distribution, and the holding of regional workshops.

## **C. Legal reform**

- **Manual on Legal Reform**

In an attempt to enhance the capacity of UNICEF Country Offices to promote and provide technical support to law reform processes, UNICEF will be producing a manual on legal reform. The manual will serve as the basis for a possible joint publication with the IPU, similar to the Child Protection Handbook, aimed specifically at parliamentarians. A total of \$75,000 is required to support the production of this publication.

## STRUCTURE AND FUNCTIONING OF IPU MEMBERS AND THEIR PARTICIPATION IN THE IPU

### Executive summary and recommendations

*Noted by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

1. All Members of the Inter-Parliamentary Union have a statutory duty to submit an annual report on their activities to the IPU.<sup>3</sup> In December 2003, a questionnaire was sent to all Members inviting them to provide detailed information on the *process* through which parliaments organise their participation in the IPU. By the end of August 2004, a total of 110 Member Parliaments had responded to this questionnaire,<sup>4</sup> which focused on five specific areas of interest, namely:

- (a) Decision-making relating to participation in IPU activities;
- (b) Parliament membership of the IPU;
- (c) Administration and funding;
- (d) Delegations to IPU meetings; and
- (e) Preparation for and follow-up of IPU meetings.

2. The Executive Committee is aware that all parliaments are free to set up mechanisms for interacting with the IPU that correspond to their specific parliamentary systems and traditions. It is also aware of the fact that the statistics that emerge from the reporting exercise should be treated cautiously. Some parliaments chose to elaborate on their responses, while language difficulties may have hindered the provision of comprehensive responses from other parliaments. In cases where parliaments elaborated on the specifics of their institutional structures and mechanisms, those details have been incorporated into the present analysis as examples. Of course, this does not imply that similar structures and processes are absent in other parliaments.

3. Notwithstanding the above and having analysed the responses to the questionnaire, the Executive Committee hereby submits the following conclusions and recommendations for the consideration of the Governing Council:

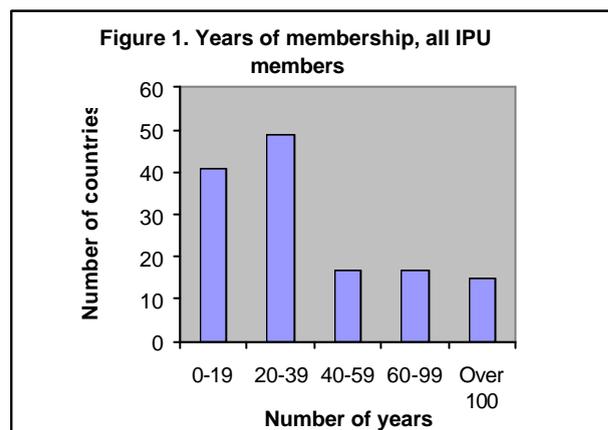
- The responses from 110 parliaments provide a unique overview of how Member Parliaments organise their participation in the IPU. However, it is essential that the 30 parliaments that have not yet responded to the questionnaire do so. It represents not only a statutory duty, but it is also imperative in order to strengthen the Organisation.

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<sup>3</sup> Article 6.1 of the Statutes.

<sup>4</sup> As at 25 August 2004, responses had been received from the parliaments of the following countries: Algeria, Andorra, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Japan, Jordan, Kazakhstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

- The Executive Committee therefore strongly recommends that those parliaments that have not yet responded to the questionnaire be assisted in every way possible to do so. Specifically, it recommends that:
  - The IPU Secretariat conduct individual interviews with officials and members of these parliaments, to obtain the required information;
  - The annual information seminar for parliamentary staff working with the entities responsible for relations with the IPU should focus more specifically on assisting Members to fulfil their reporting obligations;
  - Consideration be given to holding these seminars in the different regions; and
  - Efforts be made to provide assistance to parliaments to help strengthen their capacity to work with the IPU.
  
- The Executive Committee is pleased to note that the responses provided by the 110 Member Parliaments that did respond clearly show that it is parliament as a whole that is a member of the IPU in the vast majority of cases. The responses also indicate that there are a variety of methods through which parliaments organise their participation in the work of the IPU. While certain parliaments have dedicated specific resources to this work, others have a more generalised approach to the IPU, including it in their overall relations with parliaments and other international bodies.
  
- The Executive Committee notes that those parliaments that have been affiliated with the Organisation for over 60 years generally have firmly-entrenched mechanisms for interacting with the IPU. However, the majority of the IPU's 140 Member Parliaments have been affiliated with the organisation for less than 40 years, and may therefore need to receive assistance to establish such mechanisms.



- In the vast majority of cases, the IPU is firmly anchored to the parliamentary institution through its institutional leadership. Presiding officers are often in charge of the bodies coordinating IPU activities within parliament, and in some instances, the office of the presiding officer is named as the responsible entity, per se. The Executive Committee encourages parliaments to follow these examples.
  
- The responses indicate that the selection of delegates to IPU Assemblies can be a complicated and competitive process, which takes into account a number of factors. Wherever possible, parties and chambers (in bicameral parliaments) are reflected proportionally. Members of parliament with expertise in specific areas are often included in delegations to the Assemblies.
  
- The Executive Committee suggests that every effort be made by parliaments to ensure not only continuity, but also that those members of parliaments who have expertise in the specific subject areas on the IPU agenda are also included in the delegations to IPU meetings when those subjects are discussed. To this end, the Executive Committee strongly recommends that the relevant standing

or select committees in parliament be consulted when constituting the delegations to IPU meetings and preparing for the discussions that will take place.

- The Executive Committee notes that the IPU is invariably financed by public funds, mainly through parliamentary budgets. Parliamentary staff working on international affairs (whether in committees or inter-parliamentary relations secretariats) generally provide administrative support to these bodies. Moreover, preparation for IPU meetings often takes the form of special briefings for delegates from government or parliamentary sources. Parliamentary resources such as libraries and research services are also used, albeit to a lesser extent.

Certain parliaments have developed impressive mechanisms to ensure continuous follow-up of IPU activities. The Executive Committee recommends that the questionnaire for the 2005 annual report on the activities of members of the Organisation focus on these mechanisms as they relate to a select number of decisions and recommendations made by the IPU in recent meetings.

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**STATEMENT MADE BY THE SPEAKERS OF THE PARLIAMENTS OF THE  
COUNTRIES NEIGHBOURING IRAQ AT THE MEETING CONVENED  
BY THE INTER-PARLIAMENTARY UNION  
(Amman, Jordan, 12 and 13 May 2004)**

*Noted by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

1. We have met under the auspices of the Inter-Parliamentary Union – the world organisation of parliaments to which we all belong – to discuss efforts by the international community to restore sovereignty to the Iraqi people and bring stability to Iraq, and ways for the parliamentary community to provide support for the building of democratic institutions in that country.
2. In so doing, we are fulfilling the commitment we made at the first ever World Conference of Speakers of Parliament (2000) that our parliaments will contribute more substantively to international cooperation with a stronger United Nations at its core. We are also following up on resolutions on Iraq emerging from several recent IPU meetings and, in particular, on the resolution adopted unanimously at the IPU Conference in Santiago de Chile last year on *The need to put an urgent end to the war in Iraq and re-establish peace: The role of the United Nations and the Inter-Parliamentary Union*.
3. A year after the meeting in Santiago – which coincided with the war in Iraq – we remain extremely concerned by the continuing insecurity and the escalation of violence and political instability in that country. We are convinced of the urgent need to address the very precarious and complicated security situation throughout Iraq. We join the voices of many others in calling for respect for the rule of law, human rights and humanitarian law, and for an early, peaceful resolution of the crisis.
4. We are incensed at the cruel, inhuman and degrading treatment that has been meted out by members of the occupation forces to some of the Iraqis who have been detained by them. We condemn this flagrant violation of international humanitarian law and basic principles of humanity and call for those responsible to be brought to justice.
5. We express our sympathy with the people of Iraq who are enduring immense sufferings as a result of the continuing conflict that has resulted from the occupation. We call for sustained efforts by the international community to provide humanitarian and reconstruction assistance throughout the country on an equitable basis so as to alleviate and put an end to the sufferings of innocent Iraqi people. We reaffirm that Iraq's wealth should not be used, nor its natural resources depleted, to implement the reconstruction process.

6. We reaffirm that the people of Iraq must retain sole ownership over all their natural and cultural resources. We call upon the United Nations, working through its specialised agencies, the occupying powers and the international community at large jointly to ensure that the stolen cultural property of Iraq is returned to that country.
7. We confirm our support for all efforts to bring to justice all officials who are responsible for committing international crimes against the peoples of Iraq, Iran and Kuwait and especially the leadership of the former regime of Iraq, including Saddam Hussein.
8. We strongly urge all parties to ensure full respect for the rights of all components of Iraqi society – religious, ethnic and cultural. We also call for the full and equal participation of all Iraqis in the re-building of Iraq, with particular emphasis on the participation of women in all phases of re-construction and in building new political institutions for the country.
9. For centuries, Iraq has shared cultural, religious, ethnic, geographical and historical links with its neighbours. These very significant ties depend upon close cooperation, respect for bilateral commitments and amicable relations among those neighbours, in the common interest. In that same spirit, we reaffirm the necessity of removing from Iraqi territory those terrorist and armed groups that constitute a danger for the neighbouring countries, and we call upon the Iraqi authorities to extend their full cooperation to this effect.
10. We support the statement issued by the Fifth Conference of Ministers for Foreign Affairs of States Neighbouring Iraq at its meeting in Kuwait on 14 and 15 February 2004. We underscore the importance of taking every step necessary to ensure full respect for basic principles of international law in Iraq, including respect for the sovereignty, independence, territorial integrity and unity of Iraq and non-interference in its internal affairs. It is for the Iraqi people – and the Iraqi people only – freely to determine their future. We underscore the importance for the Iraqi people to remain united and to make every effort to achieve a national consensus in building their future.
11. We stand by the agreed date of 30 June 2004 for bringing an end to the occupation of Iraq, even though it is clear that an elected government that is fully representative of the people of Iraq cannot be put in place by that deadline. In the event that the interim government of Iraq should need the assistance of a foreign military force for security purposes, this should be organised under a clear mandate from the United Nations Security Council.
12. We call for a broader and more central role for the United Nations in Iraq based on a clearly defined, realistic and achievable mandate from the United Nations Security Council focusing on facilitating the political transition in the country. We reaffirm our belief that the United Nations can make an essential and unique contribution towards re-establishing legitimacy in Iraq, promoting the rule of law and rebuilding effective State institutions in the country according to a permanent Constitution that is based on democratic principles. We underscore the need for the United Nations to be given adequate resources to carry out its mandate effectively and to be provided with the necessary security on the ground.
13. We welcome the resumption of United Nations activities in Iraq and, in particular, those of the Special Advisor to the United Nations Secretary-General and the United Nations Assistance Mission in Iraq (UNAMI). We concur with the recommendation submitted by the Special Advisor to the Security Council whereby the United Nations would assist the Iraqi people in putting in place a new Caretaker Government that would be composed of respected men and women of honesty, integrity and competence who are representative of Iraq's diversity and whose task would be to tend to the day-to-day administration of the country until an elected government can take over in early 2005. We recommend that the parliament elected on the same occasion prepare a permanent Constitution on the basis of which future elections will be organised.
14. Similarly, we underscore the need for a broad-based National Conference to be convened with the assistance of the United Nations, if possible in mid-2004, by an Iraqi Preparatory Committee comprised of a small number of reputable and distinguished Iraqis who are not seeking political office. The National Conference should represent Iraq's political, professional, and civil society organisations, and religious, tribal and ethnic segments. Its members should be selected by these Iraqi constituencies. The National Conference should play a major role during the transition and should receive the support of the United Nations and the international community. It would engage in a dialogue on the country's challenges and seek to foster a national consensus on how best to address them. Moreover, it would establish a Consultative Council that

would advise the Caretaker Government and act as a forum for dialogue on national reconciliation, confidence building and national unity.

15. We welcome the advice and assistance that the United Nations is currently providing to the Iraqi people on the electoral process that will need to be put in place in advance of the 2005 general elections. We believe that the well-established IPU Criteria on Free and Fair Elections can be useful to the Iraqi people in preparing the electoral process, and we urge the United Nations to make them available as part of its information campaign and other preparatory activities. The IPU stands ready to assist in civic education in relation to democracy and tolerance and provide support for free and fair elections under the overall supervision of the United Nations.

16. We are convinced that the Inter-Parliamentary Union, the Arab Inter-Parliamentary Union, the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Organization of the Islamic Conference and the world parliamentary community can make a substantial and concrete contribution to the electoral process in Iraq and the subsequent establishment of democratic institutions in the following ways:

- Sharing their rich experience and lessons learned: Over the last 20 years, many parliaments and inter-parliamentary organisations have been involved in constitution-making processes all over the world. Many leading politicians from these countries who took part in those endeavours are members of parliament today and can share their personal and direct experience with Iraqi leaders, both in relation to the kind of process that was used in their countries, and with respect to the resolution of some fundamental issues.
- Providing constitutional advice: The IPU and a number of regional parliamentary assemblies and organisations have developed considerable expertise in building and strengthening representative institutions and can offer detailed and carefully researched comparative and analytical information regarding different parliamentary, presidential or mixed systems. They can also provide constitutional experts who have worked in similar processes elsewhere and can offer advice to the parliament elected in early 2005 that will also be assigned the task of preparing a new Constitution. In addition, the IPU has developed extensive experience in gender issues and, specifically, in matters relating to women's participation in public life.
- Assisting with the establishment and consolidation of State institutions such as a parliament: The IPU and many parliaments can help ensure that propitious conditions are put in place to enable the new parliament to function in an efficient and democratic manner. Invariably, parliaments need support in providing orientation for new members, capacity building for staff and advisory assistance regarding the working methods of the parliament, including the establishment of workable rules of procedure and in the organisation and equipment of library and research services, including the use of ICT. The IPU has extensive experience in providing new parliaments with hands-on assistance in these areas.
- Directly supporting the new Parliament of Iraq during its consideration of the draft Constitution: The IPU and several regional parliamentary bodies can provide concrete support to help build the capacity of this Parliament, through orientation programmes and training of staff who are called on to assist in the process.
- Harnessing parliamentary diplomacy and regional solidarity in the service of democratisation and regional stability: The Universal Declaration on Democracy, endorsed by the full IPU membership at its 98<sup>th</sup> Conference in Cairo (September 1997), lays the foundation (principles and guidelines) for a functioning democratic government. These principles have been the engine of change in many countries throughout the world, and we look forward to working with the legitimate, freely elected representatives of Iraq in support of this process.

17. We have earlier stated our commitment to the fundamental principle that the future of Iraq – including the choice of its institutions and national processes – has to be determined by the Iraqi people themselves. We therefore offer to work in support of the Iraqi people along the lines outlined above if that is their wish.

18. We look forward to the establishment of a new legitimate parliament in Iraq to engage within the region and beyond, and we resolve to enter into constructive dialogue and cooperation with that new body according to those principles of solidarity and negotiation that have inspired the Inter-Parliamentary Union for

more than a century. We hope to be able to celebrate the return of this new parliament to the ranks of the Inter-Parliamentary Union in the near future.

19. We wish to place on record our profound gratitude to H.M. the King, the Government and the people of Jordan as well as the Speaker of the House of Representatives of Jordan for having hosted this first meeting of Speakers of Parliaments of the Countries Neighbouring Iraq. We resolve to remain in close contact and monitor the development of the situation in Iraq on a continuous basis and we ask the Inter-Parliamentary Union to convene future meetings as the need arises. We invite the President of the Inter-Parliamentary Union to inform the Iraqi people and authorities, and the United Nations Secretary-General, of the outcome of this meeting. Finally, we ask the Government of Jordan to ensure that this statement is circulated as an official document of the United Nations Security Council.

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**DECLARATION BY THE PARLIAMENTARY MEETING ON THE OCCASION OF UNCTAD XI**  
(São Paulo, Brazil, 11 and 12 June 2004)

*Noted by the IPU Governing Council at its 175<sup>th</sup> session*  
(Geneva, 1 October 2004)

1. We, members of parliament elected by our peoples to represent them, are meeting in São Paulo on the occasion of UNCTAD XI, commemorating forty years of international cooperation in the field of trade and development. The challenges facing UNCTAD XI are of transcendental importance and urgency. The poverty and underdevelopment which affect millions in the developing world exact a heavy toll in suffering and deprivation. Some developing countries are making significant progress towards meeting the United Nations Millennium Development Goals by 2015, but many are not on track to do so.

2. While the interests of developing countries are increasingly taken into account in international trade negotiations and their share of international trade has grown, the majority of them are faced with problems in many areas, which blights their development prospects. Clearly, if they wish to promote growth and development, developing countries must in their own self-interest accept greater responsibility and rely more on their own resources, for example by adopting appropriate public policies so as to play an active role in promoting their own growth and development rather than being victims of globalisation.

3. States have made significant progress in pursuing appropriate public policies, even in difficult economic circumstances, by enshrining good governance under the rule of law through free and fair electoral processes, gender equality, impartial judiciary and anti-corruption measures. This is work in progress.

**Development strategies in a globalising world economy**

4. Four years ago, UNCTAD X adopted the Bangkok Plan of Action, largely considered to be a road map to managing globalisation. Ambitious goals and targets were also set out by the United Nations Millennium Declaration. Several other major international conferences on questions of sustainable development, including development financing, have undertaken commitments to overcome poverty and underdevelopment. Promises made should be promises kept. Yet today, these objectives remain ever more elusive, and the problem has been compounded by globalised uncertainty and growing insecurity.

5. UNCTAD enjoys the trust of developing countries because of its independence and its unambiguous commitment to development. It is thus particularly effective in providing macro-economic analysis and policy advice, and as an implementing agency for technical assistance programmes. We encourage UNCTAD to focus its future work on its areas of strength and comparative advantage, and therefore to give priority to these areas. Donor countries should provide extra-budgetary funding to UNCTAD for this work.

6. Developing countries have special constraints and fewer mechanisms at their disposal for adjustment and transformation. Most of them have specific endowments, infrastructure, skills and technology. Individually and jointly, these factors influence the structure of their economies, trading patterns and access to capital. Moreover, their integration into the world economy occurs in varying degrees and at different speeds and levels as a result of a combination of sub-regional, regional, inter-regional and international factors.

7. Policy coherence and policy space are overall organising themes for UNCTAD XI. We concur that it is indispensable to ensure coherence between the Bangkok Plan of Action and the future work programme for the inter-governmental machinery of UNCTAD. Coherence among the public sector policies and programmes pursued by bilateral, regional and multilateral economic institutions is even more important.

8. Globalisation involves extensive integration among national economies. The adoption of international rules places limits on discretionary public policy formulation at the national level. It is urgent for governments acting nationally and internationally to strike the right balance between the two, ensuring that development strategies are nationally owned and that they converge with international rules in order to generate jobs, growth and overall development. The issue of national policy space for developing countries requires further serious consideration.

### **Building productive capacity and international competitiveness**

9. The productive capacities of any country reside in its citizens' ability to work within a clear regulatory framework and with effective state institutions that pursue appropriate national public policies aimed at achieving endogenous sustainable development. We are convinced that unemployment and poor social protection stand out as the main causes and effects of the growing gaps between groups of citizens, both within and among States. The commitment to full employment in decent conditions of work must be the centrepiece of all social policies and programmes, which are essential in the fight against poverty.

10. The productive capacities of developing countries are undermined *inter alia* by a lack of technology, finance and support institutions. The application of information and communication technologies in production processes has increased productivity and is playing a pivotal role in the transition to economies based on knowledge rather than the transformation of materials. Programmes that build capacity by focusing on skills, basic education and the strengthening of institutions are essential to overcome supply side constraints and underdevelopment.

11. It is essential to ensure full participation by women and young people through formal education and civic and community activities. The need for each country to have strong, diverse and pluralistic national mass media accessible to the poor cannot be overstated. The implementation of these measures must take into account diverse national and regional sensitivities and be based on a recognition of the fact that reforms cannot be micro-managed from a distance by non-accountable institutions.

12. National productive capacities are easily undermined when supportive regional and international financing arrangements are not available, both in normal times and in emergencies. In its present configuration, the international financial and monetary system has proven itself to be incapable of financing short-term liquidity crises, cushioning commodity price fluctuations, recycling surpluses, resolving the endemic debt crisis and funding the public sector capital goods and services that are desperately needed in developing countries.

13. The private sector has an essential contribution to make to development. We recommend that all countries strengthen the economic and legal conditions which allow for private investment. All private companies must adhere to national laws and assume corporate social responsibility.

### **Assuring development gains from the international trading system and trade negotiations**

14. There can be no development gains from the international trading system unless there are fair terms and conditions for trading in agricultural commodities. It is therefore urgent to achieve progress in the current

multilateral negotiations. States must commit themselves to bringing to an end all agricultural policies contributing to impoverishment and underdevelopment. They must reaffirm their commitment to the Doha Ministerial Declaration, set a clear timetable for phasing out all forms of export and trade-distorting production subsidies, and agree on substantial improvements in market access, allowing for special and differential treatment as an essential element, for example in support of food security. We invite WTO Members to commit themselves to dealing with these issues through means that do not distort trade, and call on UNCTAD XI to address the concerns expressed in this paragraph in its outcome document.

15. Given UNCTAD's supportive role in the functioning of the open multilateral trading system, we call for its resources to be put to the best use possible so as to orient international trade, finance, environmental activities, transport and technology to meet overall development needs, and in particular those of the least developed, small island and land-locked States. UNCTAD can provide an open forum for the discussion of subjects that for the time being are stumbling blocks to the negotiation of binding WTO agreements.

16. We are convinced that binding commitments serve the interests of all partners in negotiation. Common and shared sets of principles, norms and rules are in every country's interest. At the same time, we believe that WTO agreements should be openly negotiated and freely accepted. The exceptions and special measures that are integral parts of the agreements must be clearly spelled out and fully honoured, in particular those which are of prime importance to developing countries, some of which allege that WTO's present agenda and functioning is inimical to their growth prospects and hence their development.

17. As prerequisites for measuring progress, there must be reliable data and a proper methodology with which to make qualitative observations and formulate sound policy. During multilateral negotiation rounds, the World Bank and WTO claim that liberalisation will result in massive welfare gains. Such claims should be disaggregated so that each developing country can measure its own net welfare gains in decent jobs created. UNCTAD's forty years in the field of trade and development should help in responding to these expectations. The proposal for development benchmarks may serve that purpose.

18. Following the extension of trade rules and disciplines to new areas, the standard by which countries measured their net benefit from an exchange of goods, known as "the terms of trade", has disappeared from serious analysis on trade and development. We call on UNCTAD to coordinate a conceptual and empirical study in this regard, with due attention to differing conclusions concerning globalisation and its impact on the poor.

19. We support UNCTAD's efforts to help developing countries become better equipped for WTO negotiations. At the same time, we insist that the same binding effect which applies to other tariff, non-tariff and rules-based commitments should apply as well to commitments in respect of technical assistance and capacity-building. Developing countries that have to adhere to binding rules and disciplines in the WTO should be provided with the necessary and sufficient "after-sales service and technical support", in particular through the WTO dispute settlement mechanism. Only in this way can there be a genuine balance of benefits from the "single undertaking" in WTO.

### **Open regionalism and South-South cooperation**

20. Calls for "fair globalisation" will not have any real meaning if the creative temper of the vast majority of human beings remains cut off from interaction, except through the agency of third parties. Convinced that measures for South-South cooperation have so far been tentative and extremely insufficient, we call on developing countries to take bold steps to complement the well-traversed channels of North-South dialogue and arrangements. We also call on UNCTAD to design and implement appropriate policies and programmes in support of economic and technical cooperation among developing countries.

21. As integration into ever-widening circles of production and consumption accelerates, the importance of factors external to the domestic market increases. A policy of regionalism based on the opening of markets enhances international competitiveness, increases national welfare and sustains integration. Timely analysis of international trends and prudent policy responses will help ensure that the integration and adjustment processes operate in tandem. We believe in this regard that UNCTAD's inter-governmental machinery

should continue providing a valuable forum for the consideration of comparative experiences, and that UNCTAD should work more closely with other international institutions, in particular with regional integration arrangements and free trade areas.

### **Partnerships and the role of parliaments**

22. Coherence between national development strategies and global economic processes – the theme for UNCTAD XI - can greatly benefit from parliamentary involvement. Parliaments have important national responsibilities in relation to the formulation and implementation of development policies and strategies. Parliaments and their members also address today's global issues, and can help bring coherence to them as well. Moreover, they inherently have an understanding of the linkages between people's lives, security and well-being and trade and development. There is then every sense in strengthening cooperation between UNCTAD and national parliaments through the Inter-Parliamentary Union, as mandated by the Millennium Declaration.

23. We therefore welcome the fact that the UNCTAD XI draft outcome document recognises the importance of the role of parliaments in support of international cooperation for development. We invite the Inter-Parliamentary Union, together with other relevant international and regional parliamentary assemblies, to mobilise parliamentary involvement in the follow-up activities. We urge the Inter-Parliamentary Union to continue to provide the interface between parliaments and UNCTAD, specifically through the mutual exchange of information and capacity-building measures in the areas of policy space and coherence in national and international policy-making.

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## **DECLARATION BY THE AFRICAN PARLIAMENTARY CONFERENCE REFUGEES IN AFRICA: THE CHALLENGES OF PROTECTION AND SOLUTIONS (Cotonou, Benin, 1-3 June 2004)**

*Noted by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

**We**, Speakers and Members of the national parliamentary assemblies of Algeria, Angola, Benin, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Liberia, Mali, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Sudan, Swaziland, Togo, and Uganda,

**Having met** upon the invitation of the National Assembly of Benin, from 1 to 3 June 2004 in Cotonou, during the Conference on Refugees in Africa: The Challenges of Protection and Solutions, organised by the African Parliamentary Union (APU) with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Inter-Parliamentary Union (IPU), and in association with the International Committee of the Red Cross (ICRC), and presided over by the Speaker of the National Assembly of Benin, the Honourable Kolawolé A. Idji,

**Recognising** that no country is immune from the risk of generating and receiving refugee flows, and that therefore protecting refugees is a shared duty of all States and is a matter of respect for basic human rights,

**Deeply concerned** about the number of protracted refugee situations and the continuing presence of large populations of internally displaced persons in Africa, as well as the presence of armed elements in some refugee camps and forced recruitment, the serious violations of the universally recognised principle of *non-refoulement*, the growing xenophobia and intolerance against refugees, and threats to the physical safety of refugees, especially women and children who are vulnerable to sexual and gender-based violence, but also the elderly,

**Paying tribute** to African countries which have provided protection and solutions to refugees over the decades in spite of limited resources,

**Committed** to doing everything in our power to maintain the generous tradition of asylum on the African Continent, and to ensure that refugees receive effective protection and have access to durable solutions as early as possible,

**Heartened** that, as a result of numerous ongoing peace processes in Africa firmly supported by the African Union and its Member States, there is today an enormous potential for durable solutions to refugee problems, especially voluntary repatriation and sustainable reintegration,

**Aware** of the dilemmas posed by mixed movements of refugees fleeing persecution or war and persons migrating for economic reasons,

**Welcoming** the substantial contribution which the New Partnership for Africa's Development (NEPAD), the African Union's Peace and Security Council, as well as the G8 Africa Action Plan, can make to spurring economic development and maintaining peace in Africa,

**Recognising** that the 1951 Geneva Refugee Convention, together with its Protocol of 1967, as complemented by the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa, remain the foundation of the international refugee protection regime in Africa, and have provided a resilient framework within which millions of refugees have been able to find safety from armed conflicts and persecution,

**Stressing** the continuing relevance and importance of the expanded refugee definition set out in the 1969 OAU Refugee Convention,

**Acknowledging** that an understanding of the plight of refugees fosters acceptance whereas ignorance breeds hostility; that refugee protection includes not only legal and physical protection, but also the ability to lead a meaningful and dignified life while in exile; and that this requires the empowerment of refugees to be self-reliant, so that they may make a positive contribution to the life of their host communities and prepare for durable solutions,

**Convinced** of the need for more effective preventive measures at national, regional and international levels to address the root causes of refugee flows and other forms of forced displacement, and prevent the eruption or continuation of armed conflict,

**Recognising** that good governance, observance of the rule of law and respect for human rights are the best form of prevention, while also contributing to peace, stability and economic development,

**Welcoming** the fundamental role played by UNHCR and ICRC, in pursuance of their respective mandates, to protect and assist refugees and find durable solutions to their problems, and to protect and assist civilians in times of conflict,

**Desirous** that the Regional Parliamentary Conference on Refugees in Africa: The Challenges of Protection and Solutions, and its predecessor, the 2002 African Parliamentary Conference on International Humanitarian Law for the Protection of Civilians during Armed Conflict, initiate a process aimed at strengthening observance of the rules of international refugee, human rights and humanitarian law in our States,

**Determined** to find durable solutions to the plight of refugees, while continuing to provide effective protection,

**Hereby adopt** the annexed Programme of Action, outlining various courses of action for Parliaments, and accordingly:

### ***Honouring and strengthening international refugee, human rights and humanitarian principles***

1. **Pledge** our continuing commitment to strengthening observance of humanitarian principles and to build on the undertakings contained in the Niamey Final Declaration of 2002<sup>5</sup>, and **reaffirm** our determination to ensure that our States and all parties to an armed conflict honour their obligations under international refugee, human rights and humanitarian law.

### ***Finding durable solutions***

2. **Recognise** that as a first step, self-reliance of refugees be promoted as an important means to decrease dependency, maximise the initiative and potential contributions of refugees, and prepare them for durable solutions.
3. **Undertake** to foster conditions conducive to the implementation of durable solutions for refugees, notably, their voluntary repatriation to the country of origin or, where appropriate, their local integration in the country of asylum, or resettlement to a third country, recognising that the success of durable solutions depends in large measure on the availability of adequate resources provided in a spirit of international solidarity and shared responsibility.
4. **Call on** UNHCR, development partners and international and regional financial institutions, to redouble their efforts to support countries of asylum to facilitate refugees' self-reliance, and countries of origin to ensure sustainable reintegration following the return of refugees.

### ***Ensuring physical and legal protection***

5. **Pledge** to protect refugees and asylum-seekers, especially women and children, from all forms of abuse, neglect, exploitation and violence, recognising that the States hosting refugees bear responsibility for their physical protection.

### ***Maintaining the civilian and humanitarian character of asylum***

6. **Undertake** to ensure that the competent authorities safeguard the civilian nature and humanitarian character of the institution of asylum and of refugee camps and settlements, without which the basic tenets of refugee protection would be compromised.

### ***Strengthening the role of Parliament***

7. **Resolve** to ensure that our parliaments fulfil their role in the process of acceding to the instruments of international refugee, human rights and humanitarian law, the adoption or amendment of national legislation in line with international standards, ensuring that adequate funds are allocated to implement such legislation, and overseeing the work of the Executive.
8. **Undertake** to encourage a wide-ranging debate on the state of national legislation to implement international refugee, human rights and humanitarian law, and on relevant practices and situations which require our attention.
9. **Encourage** our national parliaments to establish a standing committee, or sub-committee, dealing with all matters related to refugees and international humanitarian law.

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<sup>5</sup> Adopted at the African Parliamentary Conference on International Humanitarian Law for the Protection of Civilians during Armed Conflict, held in Niamey from 18 to 20 February 2002.

***Promoting a change in attitudes towards refugees***

10. **Undertake**, as men and women elected by the people, to do all in our power to foster a positive attitude towards refugees and displaced persons, so as to improve their protection and ensure their contribution to the socio-economic development of their host communities.
11. **Commit** ourselves to refrain from perpetuating negative stereotypes about refugees and to ensure that they are not exploited politically, including during electoral campaigns.

***Implementing follow-up actions***

12. **Undertake** to forward this Declaration and Programme of Action to the attention of our Governments, and to urge the competent authorities to take every measure necessary to heed and address the concerns reflected therein.
13. **Resolve** to reinforce our cooperation on refugee and returnee matters with UNHCR.
14. **Commit ourselves** to reporting to the African Parliamentary Union on progress in implementing this Programme of Action in our countries, as well as on progress on the objectives stated in the Niamey Final Declaration.
15. **Request** the organisers of the Conference to forward this Declaration and Programme of Action to the African Union for information and distribution at the Assembly of Heads of State and Government, the Executive Council and to the Pan-African Parliament. **We also request** them to forward this Declaration and Programme of Action to the competent organs of the African Parliamentary Union, the Inter-Parliamentary Union, UNHCR and the ICRC, as well as other relevant actors, UN organisations and development partners.
16. **Request** the African Parliamentary Union, IPU, UNHCR and ICRC to widely disseminate the Declaration and Programme of Action of this Conference with a view to facilitating the follow-up.
17. **Request** the African Parliamentary Union to ensure that the Follow-Up Committee on the Niamey Conference also follows up on the Cotonou Conference, convenes at each statutory APU meeting to examine progress in the implementation of the Niamey Final Declaration and the Cotonou Declaration and Programme of Action, and reports on its findings to the IPU's Committee to Promote Respect for International Humanitarian Law.
18. **Request** the African Parliamentary Union to explore with the Inter-Parliamentary Union, UNHCR and ICRC, the possibility of convening a conference in 2006 to review progress made on the follow-up to the Niamey and Cotonou conferences.

## PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN

### DRAFT STATUTES

*Noted by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

#### Nature and purpose

##### *Article 1*

The Parliamentary Assembly of the Mediterranean (hereinafter the Assembly) is the parliamentary institution that brings together the parliaments of all the countries of the Mediterranean basin on an equal footing.

##### *Article 2*

1. The Assembly is an autonomous institution with its own legal personality. It has been created by decisions of the national parliaments of the countries of the Mediterranean basin.
2. The Assembly builds on the pioneering work carried out by the Inter-Parliamentary Union (IPU) through its process of the Conference on Security and Cooperation in the Mediterranean (CSCM). It shall maintain a privileged relationship with the IPU, and shall send it, for information purposes, an annual report on its activities during the first quarter of the following calendar year.

##### *Article 3*

1. The Assembly shall develop cooperation among its Members in its fields of action by promoting political dialogue and understanding between the parliaments concerned.
2. The Assembly shall address issues of common concern to foster and enhance further confidence between Mediterranean States so as to ensure regional security and stability and to promote peace. It shall also seek to unite the endeavours of the Mediterranean States in a true spirit of partnership with a view to ensuring their harmonious development.

##### *Article 4*

The Assembly shall draw up opinions, recommendations and other advisory instruments in order to realise its objectives and shall submit them to the parliaments concerned.

#### Composition

##### *Article 5*

1. Upon request, the parliaments of the Mediterranean coastal States and Jordan, The former Yugoslav Republic of Macedonia and Portugal shall be ex officio Members of the Assembly.
2. The parliaments of countries that are geographically situated near the Mediterranean or that have common interests with the region and inter-parliamentary organisations that are active in the Mediterranean region may, on request, be invited to participate in the work of the Assembly as Associate Members.

##### *Article 6*

1. It shall be the duty of the Assembly to submit its opinions, recommendations and other advisory instruments to the national parliaments and governments of the Members.

2. National parliaments shall keep the Assembly apprised of measures taken to promote the implementation of adopted instruments.

*Article 7*

Each Member and Associate Member of the Assembly shall make an annual financial contribution towards the running of the Assembly, which shall be calculated by applying to the draft budget approved by the Assembly the scale of contributions attached to the present Statutes; Associate Members of the Assembly shall make an additional annual contribution of an amount fixed by the Assembly towards its working capital fund.

**Structure**

*Article 8*

The structure of the Parliamentary Assembly of the Mediterranean shall consist of the Assembly, the Bureau, the Standing Committees, Ad hoc Committees and the Secretariat.

**Assembly**

*Article 9*

1. Unless it decides otherwise, the Assembly shall meet once a year in an ordinary session at the invitation of a Member Parliament.

2. The President of the Assembly shall convene extraordinary sessions of the Assembly at the request of two thirds of its Members.

*Article 10*

The Member Parliament hosting meetings and/or activities of the Assembly shall guarantee access to its territory for all the representatives of Member and Associate Member Parliaments.

*Article 11*

1. The principle of equality of the Members shall govern the composition of the Assembly and its decision-making process.

2. Delegations of the Member Parliaments at the Assembly sessions shall be composed of at most five members of parliament.

3. All Members are encouraged to ensure that their delegations at the Assembly include representatives of both sexes.

*Article 12*

1. The Assembly shall elect a President and four Vice Presidents for a term of two years.

2. The Assembly shall also elect a President for each of the three Standing Committees for a term of two years.

*Article 13*

1. The President of the Assembly shall open, suspend and close the sittings, direct the work of the Assembly, ensure that the Rules are observed, calls upon speakers, put questions to the vote, make known the results of the voting and declare the Assembly closed. The President's decisions in these matters shall be final and shall be accepted without debate.

2. The President shall decide on all matters not covered by these Rules, after having sought the advice of the Bureau if necessary.

*Article 14*

1. Each delegation shall be entitled to five votes, provided at least two members are present at the time of voting.
2. If only one delegate is present, he or she shall be entitled to cast only one vote.

*Article 15*

1. Decisions of the Assembly shall be taken by consensus.
2. In instances where it is not possible to reach consensus, the Assembly shall take decisions by a four-fifths majority of the votes cast.

### **Bureau**

*Article 16*

1. The work of the Assembly shall be prepared by its Bureau.
2. The Bureau shall be composed of the President of the Assembly, four Vice Presidents and the Presidents of the three Standing Committees.

*Article 17*

1. Members shall ensure an equitable representation in the Bureau of the different regions of the Mediterranean, by rotation.
2. Members shall make every effort to ensure that both genders are represented in the Bureau.

*Article 18*

1. This Bureau, which shall be assisted by the Secretariat, shall take all appropriate measures to ensure the effective organisation and normal functioning of the Assembly proceedings, in conformity with the Statutes and Rules of the Assembly.

### **Standing Committees**

*Article 19*

The Assembly shall have three Standing Committees covering the following issues:

- *Standing Committee on Political and Security-related Cooperation (First Committee): Regional Stability:* Relations between Mediterranean partners based on eight principles (refraining from the threat or use of force; peaceful settlement of international disputes; inviolability of frontiers and territorial integrity of States; right of peoples to self-determination and to live in peace in their own territories within internationally recognised and guaranteed frontiers; sovereign equality of States and non-interference in internal affairs; respect for human rights; cooperation between States; fulfilment in good faith of obligations assumed under international law), questions regarding peace, security and stability, confidence-building measures, arms control and disarmament, respect for international humanitarian law, and the fight against terrorism.
- *Standing Committee on Economic, Social and Environmental Cooperation (Second Committee): Co-development and Partnership:* Globalisation, economy, trade, finance, debt issues, industry, agriculture, employment and migration, population, poverty and exclusion, human settlements, water and energy resources, desertification and protection of the environment, tourism, transport, science, technology and technological innovation.
- *Standing Committee on Dialogue among Civilisations and Human Rights (Third Committee):* Mutual respect and tolerance, democracy, human rights, gender issues, children, minorities' rights, education, culture and heritage, sports, media and information, and dialogue among religions.

*Article 20*

Each Member Parliament shall have the right to participate with at least one member in each one of the three Standing Committees.

*Article 21*

1. A special task force on gender and equality issues shall be established within the Third Committee.
2. The Assembly shall be able to establish other special task forces under each one of the three Standing Committees to help them carry out their respective mandates.

**Ad hoc Committees**

*Article 22*

1. The Assembly shall be able to establish Ad hoc Committees to address specific issues.
2. The Assembly shall take a decision on proposals received from Members to establish one or more Ad hoc Committees after hearing the opinion of the Bureau.

**Secretariat**

*Article 23*

1. The Assembly shall be serviced by a Secretariat that shall be located in a Mediterranean country whose parliament is a Member of the Assembly.
2. During a transitional period and pending the establishment of a separate Secretariat for the Assembly, the Secretariat of the Inter-Parliamentary Union shall provide secretariat support to the Assembly.

**Amendments to the Statutes**

*Article 24*

1. Any proposal to amend the Statutes shall be submitted to the Secretariat in writing no less than three months before the meeting of the Assembly. The Secretariat shall immediately communicate all such proposed amendments to the Members of the Assembly. The consideration of such amendments shall be automatically placed on the agenda of the Assembly.
2. After hearing the opinion of the Bureau, the Assembly shall decide on such proposals by consensus.

**Annex to the Statutes provided for in Article 7**

**Scale of contributions by Members of the Assembly**

No.	Union Member	Current scale for the Union's budget (%)	Mathematical projection (%)	Proposed CSCM scale (%)
1	France	5.39	<b>31.59</b>	<b>15.00</b>
2	Italy	3.91	<b>22.92</b>	<b>15.00</b>
3	Spain	1.91	<b>11.20</b>	<b>10.00</b>
4	Greece	0.49	<b>2.87</b>	<b>5.00</b>
5	Turkey	0.43	<b>2.52</b>	<b>5.00</b>
6	Libyan Arab Jamahiriya	0.40	<b>2.34</b>	<b>5.00</b>
7	Israel	0.39	<b>2.29</b>	<b>5.00</b>
8	Portugal	0.36	<b>2.11</b>	<b>5.00</b>
9	Algeria	0.33	<b>1.93</b>	<b>4.00</b>
10	Serbia and Montenegro	0.33	<b>1.93</b>	<b>4.00</b>
11	Croatia	0.29	<b>1.70</b>	<b>4.00</b>
12	Slovenia	0.27	<b>1.58</b>	<b>4.00</b>
13	Egypt	0.25	<b>1.47</b>	<b>3.00</b>
14	Bosnia and Herzegovina	0.23	<b>1.35</b>	<b>2.00</b>
15	Syrian Arab Republic	0.23	<b>1.35</b>	<b>2.00</b>
16	Morocco	0.22	<b>1.29</b>	<b>2.00</b>
17	Tunisia	0.22	<b>1.29</b>	<b>2.00</b>
18	Cyprus	0.21	<b>1.23</b>	<b>2.00</b>
19	Albania	0.20	<b>1.17</b>	<b>1.00</b>
20	Jordan	0.20	<b>1.17</b>	<b>1.00</b>
21	Lebanon	0.20	<b>1.17</b>	<b>1.00</b>
22	Malta	0.20	<b>1.17</b>	<b>1.00</b>
23	Monaco	0.20	<b>1.17</b>	<b>1.00</b>
24	The former Yugoslav Republic of Macedonia	0.20	<b>1.17</b>	<b>1.00</b>
	<b>TOTALS</b>	<i>17.06</i>	<b>99.98</b>	<b>100.00</b>

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## Future Meetings and other Activities

***Approved by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

Technical seminar for parliamentarians on the reporting mechanisms and implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol	GENEVA (IPU Headquarters) 2 October 2004
Parliamentary Hearing at the United Nations on the occasion of the 59 <sup>th</sup> General Assembly (followed on 21 October by debate in UNGA on cooperation between the IPU and the United Nations)	NEW YORK 19-20 October 2004
International Roundtable on Electoral Standards ( <i>in camera</i> )	GENEVA (IPU Headquarters) 12-13 November 2004
Brussels Session of the Parliamentary Conference on the WTO, jointly organised with the European Parliament	BRUSSELS (Belgium) 24-26 November 2004
Thematic Workshop on the role of parliaments in the implementation of the Convention on the Prohibition of Chemical Weapons, organised by the Organisation for the Prohibition of Chemical Weapons (OPCW)	THE HAGUE (Netherlands) 26 November 2004
Information Seminar on the Structure and Functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA (IPU Headquarters) 29 November to 3 December 2004
108 <sup>th</sup> Session of the Committee on the Human Rights of Parliamentarians ( <i>in camera</i> )	GENEVA (IPU Headquarters) January 2005
Fourth CSCM	ATHENS (Greece) January/February 2005
Seminar on parliaments, environmental management and sustainable development, in partnership with the United Nations Institute for Training and Research (UNITAR)	PARIS (France) Early 2005
One-day parliamentary meeting on the occasion of the 49 <sup>th</sup> session of the Commission on the Status of Women: Beijing + 10	NEW YORK February/March 2005

African Regional Conference on Female Genital Mutilation	Venue to be determined February 2005
Seminar on freedom of expression	GENEVA Mid-March 2005
Seminar for Latin American Parliaments on Parliament and the budgetary process, including from a gender perspective	Venue to be determined March 2005
112 <sup>th</sup> Assembly and Related Meetings	MANILA (Philippines) 3-8 April 2005
Third meeting of the Preparatory Committee of the Second World Conference of Speakers of Parliament	LIBREVILLE (Gabon) 19-21 May 2005
Regional seminar for Latin American parliaments on parliamentary oversight of the security sector, in partnership with the Geneva Centre for the Democratic Control of the Armed Forces (DCAF)	Venue to be determined May 2005
8 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA (IPU Headquarters) May 2005
110 <sup>th</sup> Session of the Committee on the Human Rights of Parliamentarians ( <i>in camera</i> )	GENEVA (IPU Headquarters) June/July 2005
Second World Conference of Speakers of Parliament	NEW YORK September 2005
9 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA (IPU Headquarters) End September 2005
113 <sup>th</sup> Assembly and Related Meetings	GENEVA October 2005
Technical seminar for parliamentarians on the reporting mechanisms and implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol	GENEVA (IPU Headquarters) October 2005
Two-day Parliamentary Hearing at the United Nations on the occasion of the 60 <sup>th</sup> General Assembly	NEW YORK October 2005
Seminar on parliaments and national reconciliation, in partnership with the International Institute for Democracy and Electoral Assistance (International IDEA)	Venue to be determined November 2005
Information Seminar on the Structure and Functioning of the Inter-Parliamentary Union (for English-speaking participants)	GENEVA (IPU Headquarters) November 2005
Parliamentary Meeting on the occasion of the Sixth WTO Ministerial Conference	HONG KONG Early December 2005

115<sup>th</sup> Assembly and Related Meetings

GENEVA  
11-13 October 2006

**Invitations received**

114<sup>th</sup> Assembly and Related Meetings

NAIROBI (Kenya)  
May 2006

116<sup>th</sup> Assembly and Related Meetings

BANGKOK (Thailand)  
March/April 2007

118<sup>th</sup> Assembly and Related Meetings

ADDIS ABABA (Ethiopia)  
March/April 2008

## AGENDAS OF THE 112<sup>th</sup> AND 113<sup>th</sup> ASSEMBLIES

*Approved by the 111<sup>th</sup> IPU Assembly  
(Geneva, 1 October 2004)*

### Agenda of the 112<sup>th</sup> Assembly

(Manila, 3-8 April 2005)

1. Election of the President and Vice-Presidents of the 112<sup>th</sup> Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the political, economic and social situation in the world with the overall theme of *The impact of domestic and international policies on the situation of women*
4. The role of parliaments in the establishment and functioning of mechanisms to provide for the judgement and sentencing of war crimes, crimes against humanity, genocide and terrorism, with a view to avoiding impunity  
(*Committee on Peace and International Security*)
5. The role of parliaments in establishing innovative international financing and trading mechanisms to address the problems of debt and achieve the Millennium Development Goals  
(*Committee on Sustainable Development, Finance and Trade*)
6. The role of parliaments in advocating and enforcing observance of human rights in the strategies for the prevention, management and treatment of the HIV/AIDS pandemic  
(*Committee on Democracy and Human Rights*)
7. Approval of the subject items for the 114<sup>th</sup> Assembly and appointment of the Rapporteurs

### Agenda of the 113<sup>th</sup> Assembly

(Geneva, October 2005)

1. Election of the President and Vice-Presidents of the 113<sup>th</sup> Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Concerted action and cooperation by parliament and the media to inform public opinion, specifically in respect of armed conflicts and the fight against terrorism  
(*Committee on Peace and International Security*)
4. Migration and development  
(*Committee on Sustainable Development, Finance and Trade*)
5. The importance of civil society and its interplay with parliaments and other democratically elected assemblies for the maturing and development of democracy  
(*Committee on Democracy and Human Rights*)
6. Approval of the subject items for the 115<sup>th</sup> Assembly and appointment of the Rapporteurs

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 112<sup>th</sup> ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

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Palestine

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

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

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

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

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## Resolutions Concerning the Human Rights of Parliamentarians

### CASE N° BLS/05 - VICTOR GONCHAR - BELARUS

*Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the letter of the Chairman of the Committee on Legislation, Judicial and Legal Issues of the House of Representatives of the National Assembly, forwarded at the hearing the Committee held with him on the occasion of the 111<sup>th</sup> Assembly (September 2004),

*Recalling* that Mr. Gonchar, and a friend, Mr. Anatoly Krasovsky, disappeared on the evening of 16 September 1999 and have not been found since; allegations have been made attributing this disappearance to State-run death squads; the authorities have consistently affirmed that all these allegations were investigated without result, which was why the preliminary investigation has been continuously extended, most recently to 24 October 2004,

*Recalling* that the Rapporteur appointed by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) to elucidate the circumstances of disappearances for allegedly political reasons, concluded in his report, as endorsed by the PACE, that "*a proper investigation of the disappearances has not been carried out by the competent Belarusian authorities*", and that the information gathered led him "*to believe that steps were taken at the highest level of the State actively to cover up the true background of the disappearances, and to suspect that senior State officials may themselves be involved in these disappearances*",

*Considering* that, according to the Chairman of the Committee on Legislation, Judicial and Legal Issues, the Belarusian parliamentarians have been closely following developments relating to Mr. Gonchar's disappearance; however, Parliament had no power to exert pressure on the investigators or interfere with any investigation of a criminal case, including the case in question; nor was it competent to set up an inquiry commission to look into the matter; moreover, the law did not allow the investigators to disclose investigation details; he maintained that the PACE report was based on allegations and dismissed it,

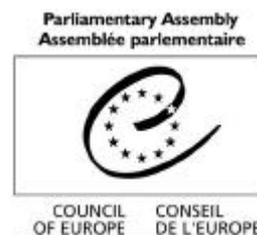
*Taking note* of the common statement of concern adopted by the PACE Committee on Legal Affairs and Human Rights and the Committee on the Human Rights of Parliamentarians in July 2004, which is annexed to the resolution,

1. *Cannot share* the view of the authorities that the PACE report is based on allegations, and *reaffirms* that, on the contrary, the evidence gathered by the PACE Rapporteur cannot be dismissed since it is conclusive and well-founded, and therefore raises serious concerns about the independence and thoroughness of the investigation;
2. *Fully endorses* therefore the common statement of concern;
3. *Requests* the President of the Inter-Parliamentary Union to raise the IPU's concerns in this case in the discussions he will be holding with the authorities during his forthcoming visit to Belarus;

4. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).



INTER-PARLIAMENTARY UNION



### COMMON STATEMENT OF CONCERN

The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe and the Committee on the Human Rights of Parliamentarians of the Inter-Parliamentary Union,

1. *Remain deeply concerned* at the findings of the Rapporteur of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, as set out in his report on disappearances for allegedly political reasons in Belarus;
2. *Consider* that the serious shortcomings in the investigation of such cases, as revealed in his report, and the evidence produced, including that related to the possible involvement of senior State officials, cannot be ignored by the Belarusian authorities; *recall* that, as in any other State, the authorities have a duty to elucidate the circumstances of these disappearances and to establish the fate of the disappeared persons;
3. *Express therefore deep concern* that the authorities have so far taken no steps to investigate the well-founded allegations put forward in the Rapporteur's report and to remedy the serious shortcomings in the investigation that he revealed;
4. *Urge* therefore the competent Belarusian authorities to take the necessary steps to ensure that an independent and effective investigation is conducted into these cases; *emphasise* that this presupposes an investigation into the role State officials may have played, and *consider* in particular that the strong doubts cast on the role that the current Prosecutor General may have played disqualify him from continuing to lead the investigation in this case, and should prompt the competent authorities to suspend him immediately from any responsibility in these investigations;
5. *Urge* in particular the Belarusian Parliament to make use of its oversight function to ensure that these measures are indeed taken;
6. *Observe* that as long as the Belarusian authorities do not investigate the evidence revealed in the report, the suspicion will remain fully justified as to the role the State officials mentioned in the report may have played in the disappearance of the persons concerned;
7. *Decide* to follow closely whatever action the Belarusian authorities may take to ensure that a truly independent investigation is indeed conducted.

## BURUNDI

CASE N° BDI/01 - S. MFAYOKURERA  
CASE N° BDI/05 - I. NDIKUMANA  
CASE N° BDI/06 - G. GAHUNGU

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

*Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

The Governing 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/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the information provided by a member of the delegation of Burundi at the hearing held with the Committee on the occasion of the 111<sup>th</sup> Assembly (September 2004),

*Recalling* that a parliamentary working group was set up in April 2003 to examine, together with the competent authorities, how the investigation into the murder of the parliamentarians in question could be reactivated; that one of the suspects in the murder of Mr. Mfayokurera has since been apprehended, albeit in connection with another crime, for which he has been sentenced to life imprisonment; that, moreover, arrest warrants have been issued for two people suspected of the murder of Mr. Innocent Ndikumana, who are in hiding in Burundi; *considering* that, according to the information provided at the hearing, the parliamentary working group has been enjoying the cooperation of the authorities,

*Noting* that, on 30 August 2004, the National Assembly adopted the Law on the National Truth and Reconciliation Commission, provided for under the Arusha Peace Agreement; *noting also* that elections will be held later this year and the transition period thus brought to an end,

1. *Thanks* the delegate of Burundi for the information provided;
2. *Notes with satisfaction* the progress made by Burundi on the path towards national reconciliation; *is confident* that the establishment of the National Truth and Reconciliation Commission will also contribute to fully elucidating the murder of the MPs concerned and ensure reparation for the families of the victims;
3. *Trusts* that the new Parliament will establish a similar parliamentary working group to pursue the work already done, and *would appreciate* being kept informed in this respect;
4. *Trusts* that the members of the present working group are and will be afforded all necessary protection;
5. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

**CASE N° BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI**

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Norbert Ndihokubwayo of Burundi, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the information provided by a member of the delegation of Burundi at the hearing held with the Committee on the occasion of the 111<sup>th</sup> Assembly (September 2004),

*Recalling* that a parliamentary working group was set up in April 2003 to examine, together with the competent authorities, how the investigation into the attempts on the life of the member of Parliament in question could be reactivated; that one of the suspects in the attempt on his life perpetrated in September 1994 has since been apprehended, albeit in connection with another crime for which he has been sentenced to life imprisonment; *considering* that, according to the information provided at the hearing, the parliamentary working group has been enjoying the cooperation of the authorities,

*Noting* that, on 30 August 2004, the National Assembly adopted the Law on the National Truth and Reconciliation Commission, provided for under the Arusha Peace Agreement; *noting also* that elections will be held later this year and the transition period thus brought to an end,

1. *Thanks* the delegate of Burundi for the information provided;
2. *Notes with satisfaction* the progress made by Burundi on the path towards national reconciliation; *is confident* that the establishment of the National Truth and Reconciliation Commission will also contribute to fully elucidating the crimes in question;
3. *Trusts* that the new Parliament will establish a similar parliamentary working group to pursue the work already done, and *would appreciate* being kept informed in this respect;
4. *Trusts* that the members of the present working group are and will be afforded all necessary protection;
5. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

CASE N° CMBD/18 - CHHANG SONG ) CAMBODIA  
CASE N° CMBD/19 - SIPHAN PHAY )  
CASE N° CMBD/20 - POU SAVATH )

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Chhang Song, Mr. Siphon Phay and Mr. Pou Savath, members (expelled) of the Senate of Cambodia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the letters of the President of the Senate, dated 6 September 2004, and of the Chairperson of the Senate Committee on Human Rights and Reception of Complaints, dated 28 May 2004,

*Recalling* that the Senators concerned were expelled from their party, the Cambodian People's Party (CPP) on 6 December 2001 and dismissed from Parliament a few days later, a decision never formally notified to them; their expulsion occurred after they had criticised in Parliament the Criminal Code Bill; *recalling* its position, which is shared by competent United Nations bodies, that the Senators were expelled although nothing in the Constitution or in the Senate Standing Orders prescribes forfeiture of the parliamentary mandate in the event of expulsion from a political party; only the internal party regulations of the CPP provide for termination of membership in Parliament in cases of expulsion from the party,

*Considering* that, at the meeting the Secretary General had with him on the occasion of his visit to Cambodia (13-17 September 2004), Prime Minister Hun Sen stated that the Senators concerned had been expelled from their party because they had made public statements highly critical of the King; such criticism, he said, was considered a breach of the Constitution, which protected the Head of State from such criticism; he felt therefore that expelling the Senators from the party, even if they lost their parliamentary mandate as a result, was a lenient measure as they could have been brought to court for violating the Constitution, which would have entailed a much harsher sentence,

*Recalling also* that the parliamentary authorities have suggested that the former Senators take their case to court, which the latter do not wish to do for fear of their security; *recalling* in this respect that, in its Concluding Observations on Cambodia's initial State report under the International Covenant on Civil and Political Rights (CCPR/C/79/Add. 108, 27 July 1999), the Human Rights Committee remained concerned that the justice system was still weak owing, inter alia, to the "*susceptibility of judges to ... bribery and political pressure*", and that it was alarmed at the failure of the Cambodian authorities to investigate fully allegations of killings by the security forces, other disappearances and deaths in custody,

*Recalling further* that one of the Senators concerned has referred the matter to the Senate Committee on Human Rights and Reception of Complaints, but has never received an answer; *considering* that, in her letter of 28 May 2004, the Chairperson of the Committee stated that it "*is unable to find any suitable solutions because the above case has passed without judgment for so long. Moreover, this case concerned the rules and regulations of a political party*",

*Considering* that the Senate is in the process of drafting new Standing Orders and that, according to the letter of the Senate President, a special committee is at present finalising the draft for submission to the Standing Committee and eventually the Senate plenary; it is expected to finish its work by November 2004,

1. *Thanks* the President of the Senate for his constant cooperation; *also thanks* the Chairperson of the Senate Committee on Human Rights and Reception of Complaints for her letter;

2. *Recalls* that neither the Constitution nor the Senate Standing Orders contains any provision enabling a political party to revoke the parliamentary mandate of one of its members, and that internal party regulations which provide for such revocation cannot in any event invalidate superior legal norms, such as the Senate Standing Orders and, still less so, the Constitution;
3. *Concludes* therefore that the Senate was not bound by the decision of the CPP to expel the three Senators from the party and was entitled to refuse the CPP's request to replace them; *considers* therefore that the Senate can and should take remedial action and provide redress to its three former members;
4. *Remains convinced* that the Senate's own Committee on Human Rights and Reception of Complaints would be ideally placed to seek a settlement of this case, and *appeals* to it once again to examine the possibility of obtaining such redress, if only moral, for their former colleagues;
5. *Reiterates its wish* to ascertain on what grounds the Senators concerned were expelled from their party and, as a result, from Parliament; *notes* in this respect that there is a link between the criticism by the Senators concerned in Parliament of the Criminal Code Bill, their dismissal from their party and hence from Parliament; and *affirms* that freedom of expression is at the core of parliamentarians' work, and that parliaments in all democracies should jealously guard and cherish this right;
6. *Continues* to believe, in the light of the concerns expressed by the competent United Nations human rights bodies with respect to the independence of the judiciary and the still prevailing impunity in the country, that the fears of the persons concerned, which have prevented them from taking their case to court, are not unfounded;
7. *Notes* that the draft standing orders have not as yet been adopted; and *would appreciate* receiving a copy of the final version of the draft;
8. *Requests* the Secretary General to convey this resolution to the competent authorities, inviting them to provide their observations, to the sources and to the competent international human rights bodies;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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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	)	
CASE N° CO/139 - OCTAVIO SARMIENTO BOHÓRQUEZ	)	

*Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case concerning the assassinations of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa, Mr. Manuel Cepeda Vargas and Mr. Octavio Sarmiento Bohórquez of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the information provided by the President of the Colombian Senate on 16 June and 27 September 2004, and of the speech delivered by the High Commissioner for Peace in the Congress on 3 August 2004,

*Recalling* that, in the case of Mr. Jaramillo Ossa, paramilitary leaders Carlos Castaño Gil and his brother Fidel Castaño were identified as the murderers and sentenced *in absentia* in November 2001, and that Carlos Castaño Gil in his book *My Confession* acknowledges that he ordered and masterminded Senator Cepeda's assassination; *considering* that, on 16 April 2004, Carlos Castaño Gil was reportedly the target of an assassination attempt and has since disappeared,

*Considering* that cassation proceedings are still pending before the Supreme Court against the acquittal of Carlos Castaño Gil in Senator Cepeda's case,

*Noting* that the authorities have so far not replied to its requests for information regarding the investigation into the murder of Mr. Sarmiento by paramilitary groups in October 2001; *recalling* that the investigation into the murder of the other members of Parliament concerned has been shelved, although in the case of Mr. Jiménez the presumed suspects, all military officers, had been arrested but were later released, and evidence exists in the cases of Mr. Posada and Mr. Valencia,

*Recalling* that an amicable settlement procedure is under way to resolve the case of the systematic murder of *Unión Patriótica* (UP) members, which the Inter-American Commission on Human Rights had declared admissible in March 1997; a joint commission composed of relatives of assassinated *Unión Patriótica* members and of representatives of the authorities and competent NGOs, was set up in 2000 in this process to assist the search for truth and the granting of reparation; on the occasion of his mission to Colombia in March/April 2003, the Secretary General was informed that the commission's work was greatly hampered by shortage of funds,

*Considering* that, according to the President of the Colombian Senate, while the Congress was aware of its role in the fight against impunity and had therefore been monitoring the reparation process, it was the responsibility of the Government, through the Human Rights Office of the Vice-Presidency, to complete reparation in respect of the victims of the murder of the *Unión Patriótica* leaders; the Congress was assuming its role of monitoring and political control and acting as a guarantor of the process,

*Recalling finally* that the widely criticised bill on the demobilisation of the paramilitary groups, which was introduced in the previous legislature, has not been adopted; at the request of a group of MPs of the First Committee of the House of Representatives, the Government has agreed to widen the consultation process on the bill before re-introducing it in the House,

*Considering* in this respect that, in its concluding observations on the fifth report of Colombia (CCPR/CO/80/COL) submitted under the International Covenant on Civil and Political Rights (ICCPR), the Human Rights Committee recommended that the Colombian authorities "*should ensure that the proposed legislation on alternative penalties to imprisonment does not grant impunity to persons who have committed war crimes or crimes against humanity*",

*Bearing in mind* that, in the aforesaid concluding observations, the Human Rights Committee expressed concern that, inter alia, murders of legislators dating from earlier years remained unpunished; it was "*disturbed about the participation of agents of the State party in the commission of such acts, and the apparent impunity enjoyed by their perpetrators*"; and that it recommended that the Colombian authorities "*should take immediate and effective steps to investigate these incidents, punish and dismiss those found responsible and compensate the victims, so as to ensure compliance with the guarantees set forth in Articles 2, 3, 6, 7 and 9 of the Covenant*",

1. *Thanks* the President of the Colombian Senate and the High Commissioner for Peace for their cooperation;

2. *Remains concerned* that the process of reparation in respect of victims under the amicable settlement procedure, which has been under way for many years, does not yet seem to have produced any tangible results;
3. *Is convinced* that the Congress, in its role as guarantor of that process, can make a crucial contribution to its effectiveness by providing financial means and political support to the joint commission set up under the amicable settlement procedure; *earnestly hopes* that the Congress's stated commitment to the objectives of this process has indeed led it to become actively involved and to ensure that steps are taken to enable the joint commission to function properly; *would appreciate* receiving information in this regard;
4. *Would also appreciate* more detailed information on the functioning, mandate and powers of the joint commission and in particular whether it also deals with the cases of the *Unión Patriótica* MPs concerned;
5. *Reiterates its wish* to ascertain the stage reached in the investigation into the murder of Mr. Sarmiento, which, given the existence of ample evidence, should have made much progress; *also wishes* to ascertain the stage reached in the cassation proceedings before the Supreme Court concerning Senator Cepeda's case;
6. *Wishes further* to ascertain whether any efforts are being made to locate Carlos Castaño Gil, given the arrest warrants pending against him and the convictions handed down on him;
7. *Notes* that the bill on alternative penalties will be submitted to a new consultation process; and *is confident* that the recommendations of the United Nations High Commissioner for Human Rights and the United Nations Human Rights Committee, in addition to the concerns voiced by particular Colombian authorities, such as the Prosecutor General (*Procurador General*), will be taken into consideration in the final bill;
8. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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## CASE N° CO/09 - HERNÁN MOTTA MOTTA - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing 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/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Recalling* that the name of Mr. Motta, a member of the *Unión Patriótica* (UP), featured on a hit list drawn up by the paramilitary group led by Carlos Castaño Gil, and that he received death threats which forced him into exile in October 1997; according to a report from the Attorney General's Office dated 6 October 2003, by order of 23 July 2001 a stay of proceedings had been declared in the case of the death threats against Mr. Motta,

*Recalling* that an amicable settlement procedure is under way to resolve the case of the systematic murder of *Unión Patriótica* members, which the Inter-American Commission on Human Rights had declared admissible in March 1997; a joint commission composed of *Unión Patriótica* members, representatives of the authorities and competent NGOs was set up in 2000 in this process to assist the search for truth and the granting of reparation; on the occasion of his mission to Colombia in March/ April 2003, the Secretary General was informed that the commission's work was greatly hampered by shortage of funds,

*Taking account* of the information provided by the President of the Colombian Senate on 16 June and 27 September 2004 that the National Congress was not competent to interfere with the stay of the investigation of death threats against Mr. Motta, but that it would ensure fairness in terms of truth, justice and reparation and the fight against impunity,

1. *Thanks* the President of the Colombian Senate for his cooperation;
2. *Remains unclear* as to whether the case of Mr. Motta is being addressed within the mechanisms set up under the amicable settlement; and *would appreciate* clarification on this point;
3. *Considers* that the amicable settlement process, if accompanied by the necessary financial resources and political will, provides a valuable avenue for promoting reparation and justice, including in the case of Mr. Motta;
4. *Remains therefore concerned* that this process, which has been under way for several years, does not seem to have produced any tangible results so far;
5. *Is convinced* that the Congress can make a crucial contribution to the effectiveness of the process by providing the necessary financial means and political support; *earnestly hopes* that the Congress's stated commitment to the objectives of the process has indeed led it to become actively involved and to ensure that steps are taken to enable the joint commission set up in this framework to function; and *would greatly appreciate* receiving information in this regard;
6. *Requests* the Secretary General to seek the requested information from the parliamentary and other competent authorities;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Ms. Piedad Córdoba of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Recalling* that Ms. Córdoba was kidnapped by the "*Autodefensas Unidas de Colombia*" (AUC) between 21 May and 4 June 1999; that on 7 November 2000 the detention of paramilitary leader Carlos Castaño Gil was ordered, but the investigation later closed, pending the court's determination of whether the matter could proceed to trial on the basis of its legal merits; *considering* that Carlos Castaño Gil disappeared in April 2004,

*Recalling* that Ms. Córdoba was the target of attempts on her life in December 2002 and January 2003; that the investigation into the attempt on Ms. Córdoba's life of 20 January 2003 was at the evidence-taking stage, that four persons already in detention were implicated and that, on 18 September 2003, a preliminary investigation found them to be involved in that crime; the matter was pending the court's determination of whether it could proceed to trial on the basis of the legal merits,

*Considering* that, according to the source, Ms. Córdoba, Mr. Petro Urrego and reportedly a third parliamentarian were physically attacked on 18 May 2004 and groundlessly detained by the police for a brief period during a peaceful demonstration in Cartagena; the Minister of the Interior and the Minister of Justice reportedly apologised for the incident the same day,

*Taking account* of the information provided by the President of the Colombian Senate, on 16 June and 27 September 2004, that the National Congress was ensuring the monitoring and political oversight of the execution of the protective orders issued on 5 March 2003 in favour of Senator Córdoba; that the National Congress, for its part, supported political pluralism, in which those holding various political and ideological views had the right to participate and to express their opinions and dissent concerning the bills before the Congress,

1. *Thanks* the President of the Colombian Senate for the information provided; *appreciates* the efforts made by the Congress to ensure protection measures for Senator Córdoba; and *trusts* that it will continue to monitor her security situation in order that appropriate measures may remain in place;
2. *Regrets* that no official reply has been forthcoming regarding the stage reached in the investigations into the attempt on Ms. Córdoba's life of January 2003; *trusts* that trial proceedings have meanwhile commenced, given that the presumed culprits were charged more than a year ago and appear to have been at the disposal of the judicial authorities ever since; and *would greatly appreciate* confirmation on this point;
3. *Also trusts* that, given the indisputable evidence of the role of Carlos Castaño in Ms. Córdoba's kidnapping in May 1999, the case against him has meanwhile passed on to the trial stage, and that every effort is being made to ascertain his whereabouts in order for justice to take its course;
4. *Earnestly hopes* that the commitment of the Congress to safeguarding and supporting political pluralism will result in effective action to prevent incidents highly detrimental to the political opposition's exercise of freedom of expression and of assembly, such as the recent assault and brief arbitrary arrest of Ms. Córdoba and Mr. Petro;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source, asking them to provide the requested information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

CASE N° CO/122 - OSCAR LIZCANO ) COLOMBIA  
CASE N° CO/132 - J. EDUARDO GECHEN TURBAY )  
CASE N° CO/133 - LUIS ELADIO PÉREZ BONILLA )  
CASE N° CO/134 - ORLANDO BELTRÁN CUÉLLAR )  
CASE N° CO/135 - GLORIA POLANCO DE LOZADA )  
CASE N° CO/136 - C. GONZÁLEZ DE PERDOMO )

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Oscar Lizcano, Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms. Gloria Polanco de Lozada and Ms. Consuelo González de Perdomo, all (former) members of the Colombian Congress, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Recalling* that the six persons were kidnapped by the Revolutionary Armed Forces of Colombia (FARC) between 5 August 2000 and 23 February 2002 and are still in their hands,

*Recalling* that, although President Uribe had on many occasions stated his readiness to embark on negotiations with FARC for the sake of a humanitarian agreement, there did not in fact appear to be any progress in bringing both sides to the negotiating table,

*Considering* that, according to the Colombian High Commissioner for Peace in his communication of 27 September 2004, the Government made an offer on 18 August 2004 to release unilaterally 50 imprisoned FARC members who are being prosecuted or have been sentenced for rebellion, on condition that upon their release they either go abroad or engage in a project under the rehabilitation programme of the Government; that these options will be provided under the guarantee of France and the Colombian Church; the communication suggests that immediately thereafter FARC would, under the guarantee of Switzerland, France and the International Committee of the Red Cross, release the kidnapped politicians and members of the police; that, although FARC rejected the offer, consultations are reportedly taking place to work towards a compromise acceptable to both sides,

*Taking account* of the information provided by the President of the Colombian Senate on 16 June and 27 September 2004 that the Colombian Congress, in the interests of providing security and monitoring reconciliation with FARC, established a special committee on the question of a humanitarian agreement; that the committee is composed of Senators Francisco Murgueitio Restrepo, José Renán Trujillo García, Dilia Francisca Toro, Samuel Moreno Rojas and Jairo Clopatofski, and started functioning on 27 August 2003,

1. *Thanks* the President of the Colombian Senate and the High Commissioner for Peace for their cooperation and the information provided;
2. *Welcomes* the recent steps to reactivate consultations between the Colombian Government and FARC; *calls on* both sides to take this opportunity and show resolve in pursuing the path of negotiation towards the speedy conclusion of a humanitarian agreement; *wishes* to be kept informed of any developments in this regard;
3. *Renews its call* on all IPU Member Parliaments with experience of peace and reconciliation processes, also involving securing the release of hostages, to place their experience at the service of the Colombian authorities with a view to assisting them in identifying and implementing an appropriate solution;

4. *Notes with satisfaction* that a parliamentary committee has been put in place to follow developments with regard to a possible humanitarian agreement; *would greatly appreciate* more information on its precise mandate and standing, in particular whether it is represented at the discussions between the Government and FARC, and clarification as to whether, since its establishment, it has maintained regular contacts with the families of those kidnapped and has adopted any reports and recommendations;
  5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, including the aforesaid special committee, other competent authorities, the sources and other interested parties;
  6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).
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### **CASE N° CO/138 - GUSTAVO PETRO URREGO - COLOMBIA**

#### ***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Gustavo Petro Urrego, a member of the Colombian House of Representatives, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the information provided by the President of the Colombian Senate on 16 June and 27 September 2004,

*Recalling* that Mr. Petro has regularly been subjected to death threats by paramilitary groups; in June 2002 he learned that contacts had been made between a senior official of the Attorney General's Office and paramilitary leader Carlos Castaño Gil with a view to having him assassinated, and decided to make this information public as a measure of protection; instead of investigating the allegations, the Attorney General reportedly claimed that his Office was the object of a conspiracy; that, according to the President of the Colombian Senate, the House of Representatives had put a high security rating on Mr. Petro and assigned him an armoured vehicle, and that the investigations into the threats were the sole responsibility of the Attorney General's Office and relevant security bodies,

*Recalling also* that in 2004 Mr. Petro disclosed a document containing the names and telephone numbers of officers of the Attorney General's Office and members of the paramilitary groups, together with possible links between them; he was subsequently accused by the Attorney General, before the Supreme Court, of abuse of authority and of undue disclosure of secrets; that on 22 April 2004 the Supreme Court exonerated Mr. Petro in this matter,

*Recalling further* that Mr. Petro formally presented to the Committee on Accusations of the Colombian Congress reportedly well-documented accusations against the Attorney General of perjury and criminal offences allegedly committed in the exercise of his functions; *considering* that, according to the President of the Senate in his communication of 16 June 2004, the Committee was moving the investigations forward,

*Noting* that Mr. Petro, Ms. Córdoba and a third parliamentarian were reportedly physically attacked on 18 May 2004 and groundlessly detained by the police for a brief period during a peaceful

demonstration in Cartagena; the Minister of the Interior and the Minister of Justice reportedly apologised for the incident the same day,

1. *Thanks* the President of the Colombian Senate for the information provided; *appreciates* the protection measures taken by the Congress; and *trusts* that it will continue to monitor Mr. Petro's security situation in order that appropriate measures may remain in place;
2. *Notes* that the Committee on Accusations of the House of Representatives is acting on Mr. Petro's accusations, and *would appreciate* being kept informed of its work;
3. *Fully understands* that it falls within the competence of the Attorney General's Office to carry out independent and effective investigations into the death threats made against Mr. Petro; *affirms nevertheless* that it is in the interests of Parliament to ensure that its members can fulfil their parliamentary mandate freely and without intimidation;
4. *Calls therefore on* the Congress to monitor the investigations in this case and to take effective action to prevent incidents highly detrimental to the political opposition's exercise of freedom of expression and of assembly, such as the recent assault and brief arbitrary arrest of Ms. Córdoba and Mr. Petro;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source, asking them to provide the requested information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing 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, member and substitute member of the National Congress of Ecuador who were murdered on 17 February 1999, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account of* the information and documents provided by the Chairman of the Specialised Standing Committee on International Affairs and National Defence of the National Congress on 15 September 2004 and by the President of the Special Commission of Inquiry (CEI) on 20 September 2004 and the communication of the Director General for Legal Advisory Services of the Prosecutor General's Office of 9 August 2004,

*Recalling* that the CEI set up by Executive Decree 636 of 25 February 1999 to help establish the truth in this case has sharply criticised the conduct and conclusions of the investigating authorities, including the indictment and the decision of 8 October 2003 by the judge in this case to pass on to the trial stage and to declare the trial proceedings open against five suspects, including someone, Mr. Contreras, currently imprisoned for another crime, and to stay proceedings against three other persons; that the lawyers of the

victims and of the defendants filed appeals against that decision which are pending before the Sixth Chamber of the Supreme Court of Justice of Quito,

*Recalling* that the Office of the Pichincha District Prosecutor launched a preliminary investigation into the attack on Mr. Marcelo Andocilla López, the CEI's adviser, which took place shortly after his presentation of the Commission's report *Crime and Silence* to Congress on 20 February 2002; that Mr. Andocilla was beaten up and left unconscious by the attackers, who sped off in his car,

*Considering* that the Chairman of the Specialised Standing Committee on International Affairs and National Defence affirms that, while a link between the presentation of the report and the attack should not be ruled out, at present the incident has not been termed a purely politically motivated crime by the authorities or the victim; that the documentation shows that, on 6 February 2003, Mr. Andocilla's car was found and impounded by the police, who apprehended the driver, a relative of the current owner, both of whom were said to be unaware of the illegal origin of the car; that the investigation was still at its preliminary stage and had not yet determined the identity of the attackers,

*Noting also* that, according to the President of the CEI, none of the presumed culprits in the murder of Mr. Hurtado and Mr. Tapia had been arrested and that only Mr. Contreras was currently in detention; *recalling* in this connection that the three suspects, Mr. Aguirre, Mr. Ponce and Mr. Merino, who were arrested immediately after the murder and in August 2000 sentenced to six years' imprisonment for criminal association for their participation in the murder as accessories, were all granted early release in early 2001 and have since then failed to obey court summons,

*Considering* that, according to the President of the CEI, the Minister of Justice, unlike his predecessors, has not yet agreed to meet with the CEI; the Ministry of Justice has not been forthcoming with financial assistance and has suggested that a date be fixed for the dissolution of the CEI,

*Considering finally* that, despite an earlier request from the National Congress, the subsequent governments have failed to take any action to provide pensions for the victims' families,

1. *Thanks* the Chairman of the Specialised Standing Committee on International Affairs and National Defence of the National Congress, the Prosecutor General's Office and the President of the CEI for the information and documents provided;
2. *Notes* that the investigation into the attack on Mr. Andocilla has progressed; *trusts* that the discovery of the stolen car will enable the authorities to identify the culprits and establish whether there is a link between the attack on him and his work for the CEI; *would appreciate* being kept informed of progress in the investigation;
3. *Is deeply concerned* that five of the six persons currently accused in the murder remain at large and may even have fled abroad; *considers* this all the more worrying with respect to Mr. Ponce, Mr. Aguirre and Mr. Merino, who were released after serving only one third of their sentence for criminal association in connection with the murder, and who, according to the CEI, given the strong clues and outstanding questions at the time regarding their overall responsibility in this crime, should have been kept at the disposal of the authorities;
4. *Calls on* the authorities to do their utmost to ensure that all the accused indeed stand trial and that Mr. Contreras remains in detention should he have served his sentence before the trial is completed; *wishes to ascertain* what steps are being taken, including through Interpol, to locate the other presumed culprits;
5. *Trusts* that the appeals lodged by the parties concerned will be dealt with swiftly and that due account will be taken of the evidence gathered by the CEI, so that the case will finally pass on to the trial stage; *would greatly appreciate* being kept informed in this respect;

6. *Expresses deep concern* at the alleged lack of support from the Ministry of Justice for the work of the CEI; *calls on* the Government to provide the CEI with all necessary assistance, including financial, to enable it to continue providing its crucial input until completion of the judicial proceedings;
7. *Remains concerned* that, more than five years after the murder, the authorities have yet to grant pensions to the victims' families; *urges* the authorities to remedy this situation without further delay;
8. *Requests* the Secretary General to convey this resolution to the competent authorities and to the CEI, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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## ERITREA

CASE N° ERI/01 - OGBE ABRAHA

CASE N° ERI/02 - ASTER FISSEHATSION

CASE N° ERI/03 - BERHANE GEBREGZIABEHER

CASE N° ERI/04 - BERAKI GEBRESELASSIE

CASE N° ERI/05 - HAMAD HAMID HAMAD

CASE N° ERI/06 - SALEH KEKIYA

CASE N° ERI/07 - GERMANO NATI

CASE N° ERI/08 - ESTIFANOS SEYOUM

CASE N° ERI/09 - MAHMOUD AHMED SHERIFFO

CASE N° ERI/10 - PETROS SOLOMON

CASE N° ERI/11 - HAILE WOLDETENSAE

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the above-mentioned parliamentarians from Eritrea, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the letter from Mr. Andebrhan Weldegiorgis, Ambassador of Eritrea to the European Union, Belgium, Luxembourg and Spain, dated 25 September 2004,

*Recalling* that the former MPs concerned, all also former senior government officials, have been in incommunicado detention since their arrest on 18 September 2001 for having, in May 2001, published an open letter calling for respect of the rule of law, justice and democratic reform through peaceful and legal means; owing to their incommunicado detention, there are increasing fears for their health and safety,

*Considering* that, in his letter of 25 September 2004, the Ambassador confirmed information he had provided previously, namely that the former MPs concerned had committed crimes against the sovereignty, security and peace of the nation and that the question of whether to bring their case to trial before a court must be considered in conjunction with the progress in the peace process, as the case entailed extremely sensitive aspects pertaining to the implication of third countries and able to harm the peace process; it was therefore correct to assume that their case would be brought before a court upon completion of the peace process; he reaffirmed, moreover, that it was normal government policy and practice to accord humane treatment and provide necessary medical care for all detainees, including the persons concerned,

*Recalling also* that, at its 34<sup>th</sup> session (November 2003), the African Commission on Human and Peoples' Rights (ACHPR), in a decision on a complaint regarding the situation of the former MPs concerned, found the State of Eritrea in breach of Articles 2, 6 (right to liberty and security of the person), 7(1) (right to fair trial) and 9(2) (right to freedom of expression) of the African Charter on Human and Peoples' Rights; it urged the State of Eritrea to order their immediate release and recommended that they receive compensation; *considering* in this respect that, in his letter, the Ambassador stated that the Government of Eritrea had, on 22 March 2004, categorically rejected and strongly protested against not only the ACHPR's prejudicial position but also the illegal international dissemination of that position in breach of Articles 58 and 59 of the Convention, and of its Rules of Procedure; the ACHPR, at its 35<sup>th</sup> session (May-June 2004) had therefore agreed to issue and similarly disseminate a public statement declaring that (a) the decision of the ACHPR can be legal and operational only after its adoption by the African Union (AU) Assembly of Heads of State and Government, (b) the claimant has the moral and legal responsibility to refrain from disseminating tentative information communicated to him/her in confidence and, thus, make a public retraction of its misleading information, and (c) the ACHPR will make a public statement on the matter after a decision by the AU Assembly of Heads of State and Government,

*Bearing in mind* that the Constitution of Eritrea (1997) provides that every person held in detention must be brought before a court of law within 48 hours of his or her arrest and that no person shall be held in custody beyond such period without the authority of the court (Article 17, paragraph 4),

1. *Thanks* the Ambassador of Eritrea to the European Union, Belgium, Luxembourg and Spain for the information he provided;
2. *Notes with deep regret* that the situation of the former MPs concerned remains unchanged and that they have now been in incommunicado detention for three years without being brought before a judge and without any charges being laid against them;
3. *Can therefore only reaffirm* that this situation constitutes a gross violation of their fundamental rights under the Constitution of Eritrea and under the African Charter of Human and Peoples' Rights, to which Eritrea is a party;
4. *Reaffirms* that no argument whatsoever can justify such violation of human rights;
5. *Fears* that the refusal of the authorities to bring them to trial, rather than being linked to the peace process, suggests that the accusations brought against them are groundless;
6. *Urges* the authorities therefore either to release them or to bring them to trial before an independent and impartial tribunal, in either case without further delay;
7. *Remains convinced* that an on-site mission would contribute to a settlement of this case, and therefore *reiterates* its wish to carry out such a visit; *requests* the Secretary General to pursue his efforts to this end;
8. *Requests* the Secretary General also to take any such steps as may facilitate progress in this case; and *requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the murder of Mr. Miguel Angel Pavón Salazar of Honduras, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the letter from the Prosecutor General dated 28 September 2004,

*Recalling* that Mr. Pavón was murdered in January 1988; after the investigation had come to a standstill, it was reopened in 1996 and finally led to the identification of two suspects, both military officers; while one of them died during Hurricane Mitch in 1998, the second, Jaime Rosales, was apprehended in the United States of America and extradited to Honduras, where he stood trial; he was acquitted on 22 March 2004; the Prosecutor's Office lodged an appeal against that decision in order to ensure a reversal of the acquittal of Mr. Rosales, given the compelling evidence of the latter's involvement in the murder,

*Considering* that, in his letter of 28 September 2004, the Prosecutor General reported that the appeal had not as yet been decided and that his Office was prepared to lodge an application for judicial review should the appeal be rejected,

1. *Thanks* the Prosecutor General for his consistent cooperation;
2. *Trusts* that the appeal proceedings will be completed swiftly, and that due account will be taken of all the evidence gathered by the prosecution over the years, with the help of the National Human Rights Commissioner;
3. *Requests* the Secretary General to convey this resolution to the competent authorities;
4. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2005), when it hopes to have information on the outcome of the proceedings.

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## **CASE N° IDS/13 - TENGKU NASHIRUDDIN DAUD - INDONESIA**

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Tengku Nashiruddin Daud of Indonesia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the communication from the Deputy Secretary General of the House of Representatives of Indonesia dated 25 June 2004,

*Considering* that, according to the information provided in the communication, the House Monitoring Team, as mandated by the Speaker in April 2004 to monitor the investigation into Mr. Daud's

murder in January 2000, visited Nanggroe Aceh Darussalam province (NAD province) on 7 and 8 May 2004 to meet with Mr. Daud's family and the regional police of North Sumatra province, in the presence of witnesses; that the Team made certain recommendations to the regional police; that, on 17 June 2004, it received a progress report on the investigation from the regional police of North Sumatra province; that, according to that report, witness statements suggest that the perpetrators were five members of the Free Aceh Movement (Gerakan Aceh Merdeka [GAM]), namely Abu Is alias Ismail Syhaputra, Daud Syah alias Panjang, Munawar alias Abu Rizky, Mustafa and Ibrahim Amd; that, while Abu Is was allegedly shot dead while carrying out bomb attacks in Aceh, the others have all fled to NAD province, and search and arrest warrants have been issued for all of them except Ibrahim Amd; *recalling* in this respect that, according to the information provided previously by the authorities, it was Ibrahim Amd, reportedly a suspect in the Jakarta Stock Exchange bombing, who had testified that GAM rebels were responsible for Mr. Daud's murder,

*Considering also* that the parliamentary authorities have suggested, most recently at a meeting the Secretary General had with the two Deputy Speakers on the occasion of the recent meeting of the Asean Inter-Parliamentary Organisation (AIPO) (13-17 September 2004), GAM may have abducted and murdered Mr. Daud because of his criticism of that rebel movement and his refusal to join or support it; GAM had issued threats against him; *recalling* in this respect, however, that the source has always affirmed that there was nothing to suggest that Mr. Daud was engaged in a struggle against the GAM; instead, it considered it highly likely that Mr. Daud's murder was linked to his outspoken stance against the military and their activities in Aceh,

1. *Is pleased to note* that the House Monitoring Team has taken action to carry out its mandate, and *is confident* that it will resolutely continue its monitoring work in the future; *would appreciate* being kept informed of it;
2. *Notes* that the information provided on the suspects does not differ from the information provided previously, except with respect to the role played by Ibrahim Amd, who is apparently now himself suspected of involvement in the murder;
3. *Notes* in this respect that no arrest or search warrant has been issued for him; *infers* from this that he is in detention or otherwise at the disposal of the investigating authorities, and *would appreciate* more detailed information in this respect;
4. *Notes* that, contrary to the information provided previously, the suspects have not fled to Malaysia, but to NAD province, and hence are in Indonesian territory;
5. *Reiterates its wish* to be apprised of the outcome of the efforts to ascertain the whereabouts of key witness Abu Bakar Daud, and to be informed of the testimony he gave to the police;
6. *Would appreciate* information on the evidence gathered by the police which indicates that GAM rebels committed Mr. Daud's murder;
7. *Requests* the Secretary General to invite the parliamentary authorities to provide the requested information;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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

### *Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004) \**

The Governing 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 at the time of the submission of the complaint, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of various communications from Mr. Ibrahim's wife and defence counsel, and *considering* the judgment delivered by the Federal Court on 2 September 2004, a copy of which was forwarded by the Malaysian Parliament,

*Recalling* that, following his arrest in September 1998, Mr. Anwar Ibrahim was prosecuted on charges of corruption relating to accusations that he abused his ministerial office by directing two senior police officers in August 1997 to obtain retractions of allegations of sexual misconduct made by two persons; Mr. Ibrahim was found guilty in April 1999 and sentenced to six years' imprisonment; the judgment was upheld on appeal and at last instance by the Federal Court in July 2002; in September 2004, the Federal Court ruled that it had the power to hear Anwar Ibrahim's application to set aside its own earlier decision, but found there to be no merit in a review of the case,

*Recalling* that, on 8 August 2000, Kuala Lumpur High Court found Anwar Ibrahim guilty of sodomy and sentenced him to nine years' imprisonment; on 18 April 2003 his appeal was rejected; *considering* that, on 2 September 2004, the Federal Court quashed the sentence and ordered Mr. Ibrahim's release; when reviewing the evidence, the Court held that the prosecution's key witness was unreliable and in effect an accomplice; it concluded also that Anwar Ibrahim's co-accused, Sukma Darmawan, did not appear to have confessed voluntarily and expressed concern that the police had been heavy-handed,

*Considering* that following his release, Anwar Ibrahim went to Germany to undergo the long-awaited operation for his back injury, which was successful,

*Noting* that owing to the conviction in the corruption case, which still stands, Anwar Ibrahim will be debarred from holding office in political parties or standing for election for a period of five years, until 14 April 2008,

1. *Expresses great satisfaction* at the ruling of the Federal Court and Anwar Ibrahim's release;
2. *Notes with concern*, however, that he will remain debarred from participating in political activity for five years on account of the judgment in the "corruption case", which had given rise to serious concerns as to its fairness and in which he has served the sentence handed down on him;
3. *Calls therefore on* the authorities and in particular on the Malaysian Parliament to do their utmost to ensure that Anwar Ibrahim is granted an immediate and unconditional pardon;
4. *Requests* the Secretary General to convey this resolution to the competent authorities;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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\* The Malaysian delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

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

### *Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Zorig Sanjasuuren of Mongolia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the information provided by the Mongolian delegation at the hearing held on the occasion of the 111<sup>th</sup> Assembly (September 2004),

*Recalling* that Mr. Zorig Sanjasuuren was assassinated in October 1998; the investigation, carried out by a joint team of police and the intelligence service, has been unavailing so far; *considering* that, according to the delegation, the team has grounds for believing Mr. Zorig's murder to have been politically motivated,

*Recalling* that it has consistently invited the Mongolian Parliament to monitor the investigation, and *considering* in this respect that, according to the Mongolian delegation, the new Parliament elected in June 2004 is committed to creating an environment in which the investigative authorities are able to work independently and enjoy the necessary financial support; furthermore, it has entrusted the oversight subcommittee of the Standing Committee on Foreign Affairs and Security with handling the case of Mr. Zorig,

1. *Thanks* the Mongolian delegation for the information provided;
  2. *Is pleased* at the commitment of the new Parliament to ensuring that full light is finally shed on the murder of Mr. Zorig five years ago, and *notes with satisfaction* that it has entrusted a parliamentary body with following the investigation in this case;
  3. *Reiterates* its earlier recommendation, made as a result of its on-site mission to Mongolia in August 2001 and initially welcomed by the authorities, that the investigative authorities make use of foreign expertise in criminology;
  4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
  5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).
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## MYANMAR

### Parliamentarians reportedly still serving their sentences:

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/133 - YAW HIS
CASE N° MYN/13 - SAW NAING NAING	CASE N° MYN/138 - TOE PO
CASE N° MYN/24 - SOE MYINT	CASE N° MYN/209 - WIN MYINT AUNG
CASE N° MYN/60 - ZAW MYINT MAUNG	CASE N° MYN/215 - AUNG SOE MYINT
CASE N° MYN/80 - KYAW SAN	CASE N° MYN/234 - THAN HTAY
CASE N° MYN/104 - KYAW KHIN	CASE N° MYN/235 - AUNG KYIN
CASE N° MYN/118 - THAN NYEIN	

### Parliamentarians who died in custody:

CASE N° MYN/53 - HLA THAN	CASE N° MYN/83 - KYAW MIN
CASE N° MYN/55 - TIN MAUNG WIN	CASE N° MYN/131 - HLA KHIN
CASE N° MYN/72 - SAW WIN	CASE N° MYN/132 - AUN MIN

### Parliamentarians who were assassinated:

CASE N° MYN/66 - WIN KO  
CASE N° MYN/67 - HLA PE

*Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the above-mentioned members-elect of the *Pyithu Hluttaw* (People's Assembly) of the Union of Myanmar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking note* of a communication from the Thai Inter-Parliamentary Group dated 16 July 2004 regarding the case of MP-elect Hla Pe, stating that the case of his murder was closed in 1994 because the culprit had not been found after a full year of investigation,

*Recalling* that not only have the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats, not been implemented, but also many MPs-elect have been eliminated from the political process through arbitrary means, including arbitrary arrest, detention and sentencing under laws infringing basic international human rights standards,

*Considering* that, according to reports from the source, the Myanmar military government continues to subject MPs-elect to arbitrary measures; thus, while MPs-elect Min Soe Lin and Min Kyi Win were released on 4 June 2004, MPs-elect U Than Htay and U Aung Kyin were arrested on 16 and 18 August 2004 after they reportedly refused to give in to pressure by the authorities to renounce their positions as MPs-elect; that the authorities announced that MP-elect Sai Tun Aung had decided to give up his seat, which he reportedly did against his will; that for the same purpose pressure is reportedly also being put on MPs-elect U Myint Thein, U San Hla Baw, Daw Hla Hla Moe and U Maung Kywin Aung,

*Considering* that the health of MPs-elect U Ohn Kyaing, U Sein Hla Oo and U Khin Maung Swe has reportedly seriously deteriorated in detention and that without proper medical treatment their lives are at

risk; that MPs-elect Than Nyein and Dr. May Win Myint, who remain in prison although they have already served their sentences, are also suffering from serious health problems,

*Recalling* that, on 30 August 2003, General Khin Nyunt announced a "road map" for Myanmar's future, which as a first step included the reconvening on 17 May 2004 of the National Convention on the basis of the same detailed blueprint for a unitary, military-dominated State which had guided the Convention when it was first set up in 1993; that, according to the source, Order 5/96, which penalises any criticism of the National Convention, is still in force; that the NLD decided not to participate and to make its participation conditional on the fulfilment of five minimum requirements to ensure a democratic and inclusive progress which respects basic human rights, none of which have been met; *noting* that the National Convention was adjourned on 9 July 2004,

*Considering* that the Special Rapporteur of the United Nations Commission on Human Rights on the situation of human rights in Myanmar, in his interim report of 30 August 2004, stated that "*the concerns regarding the National Convention process that he expressed in his last report to the Commission have not been addressed and that the necessary steps to ensure minimum democratic conditions for the reconvening of the National Convention have not been taken*",

*Considering* that the United Nations Secretary-General, in his report dated 16 August 2004, calls on the countries in the region, and especially the member States of the Association of Southeast Asian Nations, to take a leading role in counselling the State Peace and Development Council to take steps inter alia to lift, as a matter of priority, the remaining restrictions on Daw Aung San Suu Kyi, to commence a substantive dialogue with her and her party immediately and to take the necessary steps to ensure that the National Convention process is all-inclusive and open,

*Considering* that the informal consultative group on Myanmar, comprised of 22 countries, will meet shortly at United Nations Headquarters; that the European Union has discussed the question of Myanmar's participation in the Asia-Europe (ASEM) meeting scheduled for 8-9 October in Hanoi, Vietnam, and has reportedly made it a condition that the Myanmar authorities release Daw Aung San Suu Kyi and U Tin Oo before 8 October 2004,

1. *Reaffirms its conviction* that the National Convention, in its present form, is designed to prolong and legitimise military rule against the will of the people as expressed in the 1990 elections, and that any transition towards democracy will fail so long as it is not genuinely free, transparent and reflective of the people's will, and preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
2. *Is deeply disturbed* to learn that MPs-elect are being forced to give up their parliamentary status, thereby lending further weight to concerns that at present there is no scope for any genuine democratic procedure and debate; *urges* the authorities to refrain forthwith from such unlawful practices;
3. *Is deeply concerned* at the lack of progress towards the release of all MPs-elect and that MPs-elect are kept in detention although they have already served their sentences; *forcefully urges once again* the authorities to release all detained MPs-elect forthwith, starting with those five whose health is highly precarious and those who have already served their sentences;
4. *Remains convinced* that stronger and more concerted action by members of the Inter-Parliamentary Union, in particular those from the region, is required to press for the respect of democratic principles in Myanmar;
5. *Requests* the Secretary General to ask all IPU members to provide feedback on action taken to this end and to compile this information and make it available to its members on the occasion of the 112<sup>th</sup> IPU Assembly (April 2005);

6. *Affirms* that the IPU stands ready to assist the Myanmar authorities in any genuine pursuit of reconciliation and the establishment of democratic structures, should they desire such assistance;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly.

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

### *Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004) \**

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Senator Asif Ali Zardari of Pakistan, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of information provided at a hearing with a member of the Pakistani delegation to the 111<sup>th</sup> Assembly (September-October 2004) and of information provided by the source,

*Recalling* that the District and Session Judge of Malir Karachi found in his conclusions of 11 September 1999 that Mr. Zardari had been tortured on 17 and 19 May 1999, and that the culprits have not been identified; *considering* in this respect that, in May 2004, Mr. Zardari submitted a private complaint against several former and current officials relating to the injuries he had sustained, and that the judge in that case ordered the Sindh police to register a criminal case against those persons; the police allegedly declined to do so and an application for contempt of court is pending against the responsible police officer; *noting also* that the member of the Pakistani delegation is aware that Mr. Zardari was tortured but affirms that it has not been possible to identify the culprits,

*Recalling* that Mr. Zardari was arrested in November 1996 under the Public Maintenance Order Act; of the many cases that have since then been brought against him in Pakistan, five criminal cases and seven accountability cases are still pending, three of which have been adjourned *sine die* by the Court and others have not been proceeding; according to the Supreme Court's timetable, the accountability references should have been concluded by 15 February 2002, after which Mr. Zardari should have been moved to Karachi to face trial in the criminal cases; appeals are pending before the Supreme Court regarding the failure to respect the timetable; *considering* that, according to the member of the Pakistani delegation, Mr. Zardari is guilty of mass-scale corruption and he is facing many legal actions abroad; he stated that the delays in the proceedings were caused by Mr. Zardari for the purpose of prolonging his detention in the hope of receiving favourable treatment in the event of a regime change in Pakistan,

*Considering* that, on 12 September 2004, Mr. Asif Ali Zardari was acquitted in the Steel Mill accountability case; that he is on bail in all cases, except the so-called BMW car case in which he was arrested in December 2002; while according to the sources this case concerns failure to pay part of the duty on the import of a second-hand BMW car, the Pakistani delegate affirmed that it concerned tax evasion on the import of a bullet-proof vehicle; according to Mr. Zardari's defence counsel, such cases usually result in confiscation of the item in question and not in arrest; Mr. Zardari's bail petition in this case was rejected by the Lahore High Court, reportedly without any grounds being given, and an appeal has been pending before the Supreme Court since July 2003,

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\* The Pakistani delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

*Recalling* its persistent concerns at allegations that the authorities do not allow Mr. Zardari access to medical treatment as required under Court orders; *noting* that, following Mr. Zardari's surgery on 18 February 2004, the authorities have reportedly thwarted his recovery treatment; the member of the Pakistani delegation, however, reiterated the authorities' views that Mr. Zardari was given privileged medical treatment, that he had a complete hospital floor to himself and that, when being shifted, he was travelling first class; recalling in this connection that, on the occasion of his visit to Pakistan in July 2003, the Secretary General was not allowed to see Mr. Zardari,

1. *Thanks* the member of the Pakistani delegation for the information provided;
2. *Recalls* that its concerns are related not to the substance of the many proceedings brought against Mr. Zardari, but to the question of respect for international norms regarding due process and fair trial;
3. *Is therefore deeply concerned* at the excessive delay in the consideration of Mr. Zardari's bail petition in the so-called BMW case, in which he was arrested almost three years ago when about to be released, and which at present forms the only legal basis for his continuing detention;
4. *Recalls* the basic principle that justice must not only be served but also be seen to be served; *calls* therefore *on* the authorities to grant Mr. Zardari bail without any further delay, particularly since it has been granted to him in much more serious cases;
5. *Recalls* that, under internationally recognised human rights norms, anyone arrested has the right to be tried without undue delay or else be released; *affirms* that it is the responsibility of the competent Pakistani authorities to ensure that the proceedings against Mr. Zardari are conducted with the necessary diligence, and to respect the timetable set by the Supreme Court for their completion, and that blaming the length of the proceedings on Mr. Zardari cannot be a valid argument;
6. *Fails to understand* why the authorities are unable to identify the torturers of Mr. Zardari when the time and place of his interrogation during which he was tortured are known and he himself has provided the names of suspects; *is therefore alarmed* at the allegation that the police have refused to implement a court order requiring them to register a case against the presumed culprits of the torture inflicted on Mr. Zardari; *urges* the authorities to cooperate fully with the judge as is their duty; *wishes* to be kept informed in this regard;
7. *Urges once again* the authorities to ensure that court orders prescribing Mr. Zardari's medical treatment are fully implemented;
8. *Requests* the Secretary General to convey the present resolution to the competent executive, parliamentary and judicial authorities and to the sources;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

## CASE N° PAK/16 - MAKHDOOM JAVED HASHMI - PAKISTAN

*Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004) \**

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of Mr. Makhdoom Javed Hashmi, a member of the National Assembly 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/175/11(a)-R.1), which contains a detailed outline of the case,

*Taking account* of the information and documents provided at the hearing of the Committee with a member of the Pakistani delegation to the 111<sup>th</sup> Assembly (September-October 2004),

*Considering* that Mr. Javed Hashmi, President of the Alliance for the Restoration of Democracy, was arrested at his official residence on 29 October 2003 after having brought to the attention of the press, in the cafeteria in Parliament, a two-page letter written in the name of "We, the officers of the Pakistan Army" addressed to the "National Leadership", which, apart from calling President Musharaaf and his Government a "gang of thieves and looters", raises questions about Pakistan's role in the Kargil War, the circumstances of the change of power on 12 October 1999, and the alleged illegal allocation of plots to certain, unnamed army officers; and suggests that Parliament establish a judicial commission to look into these matters,

*Considering* that Mr. Hashmi was charged under Articles 131, 124-A, 468, 469, 421, 500, 505-A and 109 of the Pakistani Criminal Code, which include the crimes of abetting mutiny and sedition; trial proceedings started in Islamabad but were later shifted to Adyala prison in Rawalpindi, which, according to information provided by the Pakistani delegation to the 110<sup>th</sup> Assembly (April 2004), was necessary to ensure Mr. Hashmi's own security; only the daughter and two brothers of Mr. Hashmi were reportedly allowed to attend the proceedings and the press were allowed in from time to time; the defence contested the holding of the trial in jail and rejected the judge assigned to the case, Mr. Raza Asad, on the ground of personal bias; both matters were assigned to an additional judge, Justice Sadar Mohammad Aslam, who did not decide until the case was finally concluded in jail,

*Considering* that, on 12 April 2004, the court found Mr. Hashmi guilty on all counts and sentenced him to a total of 23 years' imprisonment under Section 124-A (defamation of the government), 131 (inciting people to mutiny), 468, 469 and 471 (forgery), 500 and 505-A (defamation of the army) of the Pakistani Penal Code; only the government press and Mr. Hashmi's daughter were reportedly allowed in the courtroom when the judgment was handed down; *noting* that it transpires from the judgment that the judge in the case only heard prosecution witnesses and not a single witness for the defence, although the latter had pointed to the necessity of calling certain witnesses,

*Considering* that on 24 April 2004 Mr. Hashmi filed an appeal against the judgment; according to the source, such appeals would normally be scheduled for hearing within two or three weeks; in this instance, however, not even a preliminary hearing had been scheduled so far; however, according to the member of the Pakistani delegation, a hearing of the appeal has been scheduled to take place shortly, moreover; Mr. Hashmi filed a bail application which has also not been heard so far,

*Considering* that, according to the source, Mr. Hashmi remains in solitary confinement in Adyala prison, which means that he cannot communicate with his fellow prisoners and can see his counsel only once

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\* The Pakistani delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

a fortnight, and his family once a week for one hour; according to the source, this is in violation of the Pakistan Penal Code as only the court can order such confinement, but has not done so in this case; *noting also* that Mr. Hashmi has undergone surgery for his hernia, and that the government doctor has advised the prison authorities to shift him to the Pakistan Institute of Medical Sciences for examination by his surgeon because of post-operative complications; however, the authorities have reportedly failed to do so,

*Considering* that opposition parliamentarians on several occasions requested the Speaker of the National Assembly to issue an order under Rule 90 of the Rules of Procedure and Conduct of Business in the National Assembly to summon Mr. Hashmi to be produced in Parliament; that, according to the authorities, the Speaker's power to summon is of a discretionary nature; that as there was no important business being dealt with in Parliament requiring Mr. Hashmi's presence, the Speaker did not use his power under Rule 90; that a legal opinion had nevertheless been sought from the Ministry of Law, Justice and Human Rights; that, according to the member of the Pakistani delegation, a further, recent request by the parliamentary opposition for the production of Mr. Hashmi, after it had collectively nominated him as its candidate for the post of Prime Minister, was rejected by the Speaker on the ground that Rule 90 did not apply to a member who had been convicted in court,

1. *Thanks* the member of the Pakistani delegation for his cooperation and for providing a copy and English translation of the letter which gave rise to the proceedings against Mr. Hashmi; *regrets nevertheless* the absence of any information on the outstanding legal opinion regarding Rule 90 of the Rules of Procedure and Conduct of Business in the National Assembly;
2. *Is deeply concerned* that Mr. Hashmi was found guilty and sentenced to a heavy prison term at the close of a trial which, given the secrecy of the proceedings and the total disregard of the rights of the defence, fell far short of fundamental fair trial guarantees and suggested partiality on the part of the judge;
3. *Notes* that Mr. Hashmi produced the allegedly offending letter in Parliament, and *fails to understand* why he was not protected by his parliamentary immunity guaranteed to members of the National Assembly under Article 66(1) of the Constitution; *would appreciate* clarification in this respect;
4. *Notes* that the letter concerns Parliament insofar as it suggests that Parliament set up a commission to look into certain matters; *would believe* that taking up such a matter falls within the exercise of freedom of speech and the exercise of the parliamentary mandate;
5. *Is deeply concerned* at Mr. Hashmi's solitary confinement; and *urges* the judicial authorities to grant him bail without further delay, particularly in view of his state of health;
6. *Earnestly hopes* that the appeal proceedings will start without further delay and will respect Mr. Hashmi's right to present his defence and the right to be tried in a public hearing; *requests* the Secretary General to look into the possibility of sending an observer to the trial;
7. *Regrets* that the Speaker has not exercised his power to order Mr. Hashmi's production in the National Assembly, despite several requests to this end, all of which were widely supported by the parliamentary opposition and should therefore have carried additional weight and, had they been granted, would have allowed the Assembly to hear from Mr. Hashmi directly about his situation and to take the appropriate parliamentary action;
8. *Points out* that Mr. Hashmi was sentenced only at first instance and that therefore the judgment has not become final; *calls once again* on the Speaker to exercise his discretionary power to order Mr. Hashmi's production in Parliament;
9. *Requests* the Secretary General to convey this resolution to the competent executive, parliamentary and judicial authorities and to the sources;

10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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## CASE N° PAL/02 - MARWAN BARGHOUTI - PALESTINE

### *Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004) \**

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Referring also* to the expert report on Mr. Barghouti's trial, which was forwarded to all parties concerned for any comments; *noting* that neither the authorities nor the source have submitted any observations on the report,

*Recalling* that, in his report, the expert concluded that Mr. Barghouti's arrest and transfer to Israel breached the Oslo II Accords of September 1995 and Article 49 of the Fourth Geneva Convention relating to the "protection of civilian persons in time of war"; he pointed, moreover, to the violation of several rights guaranteed under the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, such as the prohibition of cruel, inhuman or degrading treatment and fair trial guarantees, and concluded that *"the numerous breaches of international law ... make it impossible to conclude that Mr. Barghouti was given a fair trial"*,

*Considering* that, having reserved its judgment since 29 September 2003, the Tel Aviv District Court found Mr. Barghouti guilty on 20 May 2004 of the murder charges relating to attacks that killed five Israelis, of one count of attempted murder relating to a planned car bomb attack and of membership in a terrorist organisation; the Court sentenced him on 6 June 2004 to five life sentences and two 20-year prison terms; Mr. Barghouti has decided not to appeal since he does not recognise Israeli jurisdiction; *considering* also that, according to a *Maariv International* report dated 24 July 2004, Mr. Barghouti was to leave solitary confinement and be transferred to an ordinary ward of Ohalei Keidar prison,

1. *Considers*, in the light of the stringent legal arguments put forward in Mr. Foreman's report, that Mr. Barghouti's trial did not meet the standards of fair trial which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect;
2. *Considers further*, in the light of the report, that Mr. Barghouti's transfer to Israel was in breach of the Fourth Geneva Convention and the Oslo II Accords;
3. Therefore *calls on* the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities with a view to his being prosecuted by them in accordance with international law;
4. *Wishes*, in the meantime, to ascertain his conditions of imprisonment;
5. *Requests* the Secretary General to convey this resolution to the competent Israeli authorities and to the sources;

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\* The Israeli and Palestine delegations took the floor to comment on the resolution. Their observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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### CASE N° PAL/04 - HUSSAM KHADER - PALESTINE

#### *Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004) \**

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Hussam Khader, an incumbent member of the Palestinian Legislative Council, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the letter from the Diplomatic Adviser to the Speaker of the Knesset dated 26 September 2004, and of communications from the sources dated 4, 11 and 23 September 2004,

*Referring also* to the report on the trial of Mr. Marwan Barghouti, drawn up at its request by Mr. Simon Foreman,

*Recalling* that Mr. Khader was arrested on 17 March 2003 at his home in Balata refugee camp by the Israeli Defence Forces (IDF) on suspicion "*of extensive involvement in the terrorist activities of the Tanzim including the financing of specific acts of terror*"; *considering* that, according to the authorities, Mr. Khader has been charged with attempted murder, as well as with performing services for an unlawful organisation under the Defence Regulations (Emergency) 1945; he is also accused of channelling funds to terrorists, ordering others to organise terror attacks and providing funds for weapons to carry out suicide attacks with the intention of killing Israeli citizens; Mr. Khader denies all the accusations, claiming that they were fabricated and obtained from witnesses under duress; *noting* in this connection that his lawyer was reportedly denied access to the investigation material gathered by the prosecution,

*Considering* that, according to the authorities, a court hearing was held on 19 September 2004 and the next hearing has been set for the second half of November 2004; the sources say 28 December 2004,

*Considering* that, according to the sources, Mr. Khader has been constantly transferred from once prison to another, often without his family or legal counsel being informed; he was reportedly subjected to sleep deprivation and interrogation methods which caused him severe back pain; he reportedly does not receive the medical treatment he requires; *considering further* that, after Mr. Khader had been placed for a long time in solitary confinement, he went on a hunger strike in March 2004 which he ended after nine days, having been moved to a cell with another prisoner; in mid-August 2004, Mr. Khader and fellow Palestinian prisoners in Israeli prisons started a hunger strike to denounce the poor prison conditions; despite his fragile health, he was reportedly again transferred and is said to be held at present in Haddarim prison,

*Considering* that, according to the sources, family visits have been extremely limited - only one of his sisters was reportedly allowed to visit him once - and his three small children have reportedly been able to see him only at court hearings; given the many refusals by the authorities to allow Mr. Khader to meet his defence counsel, the latter sent a preliminary petition to the Ministry of Justice demanding that it lift the prohibition preventing him from meeting Mr. Khader; *noting* in this respect that, on 1 September 2004, the

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\* The Israeli and Palestine delegations took the floor to comment on the resolution. Their observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

Supreme Court of Israel, ruling on a petition submitted by two non-governmental organisations, decided that the right of prisoners and detainees to meet with their lawyers was guaranteed, including those on hunger strike, and declared that barring such meetings was unlawful,

1. *Thanks* the Diplomatic Adviser to the Speaker of the Knesset for the information he provided;
2. *Considers* that the legal arguments put forward in Mr. Foreman's report on the trial of Mr. Barghouti in respect of the forcible transfer of Palestinians to Israeli territory for the purpose of their prosecution and the incompatibility of certain interrogation methods and conditions of detention with international human rights law apply *mutatis mutandis* also in the case of Mr. Khader;
3. *Urges*, therefore, the Israeli authorities to transfer Mr. Khader to the custody of the Palestinian authorities with a view to his being prosecuted by them, in accordance with international law;
4. *Urges* the authorities, in the meantime, to allow Mr. Khader regular access to his family and defence counsel, to provide him with the medical treatment he needs, and to treat him in accordance with the fair trial guarantees set out in the International Covenant on Civil and Political Rights;
5. *Reiterates* its earlier wish to carry out an on-site mission to gather from the competent parliamentary, governmental, judicial and administrative authorities, as well as from Mr. Khader himself and his family, as detailed information as possible on his situation, and *requests* the Secretary General to take the necessary steps with a view to organising such a visit;
6. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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## CASE N° RW/06 - LEONARD HITIMANA - RWANDA

### *Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda dissolved on 22 August 2003, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the letter from the President of the Chamber of Deputies, dated 28 September 2004, and of communications from one of the sources dated 28 June and 25 September 2004,

*Also taking account* of the report of June 2004 on cases of disappearances of the Ministry of Foreign Affairs and Cooperation sent to the Apostolic Nunciature and the diplomatic missions accredited to Rwanda, a copy of which was forwarded to the Committee by one of the sources,

*Recalling* that Mr. Léonard Hitimana disappeared in the night of 7 to 8 April 2003; while the sources believe that he is the victim of a forced disappearance and was abducted by the Rwandan Intelligence Service because he had been mentioned in the parliamentary report on his party, the Democratic

Republic Movement (*Mouvement démocratique républicain, MDR*), as belonging to a group of persons allegedly aiming to disseminate an ideology of divisive ethnic discrimination, the authorities have affirmed that this was highly unlikely; according to the authorities, an investigation into his disappearance was immediately opened and is still under way; it is being monitored by Parliament's Committee on Human Rights and National Unity,

*Recalling* further that, according to the sources, Mr. Hitimana's family and children have been subjected to threats and intimidation; the parliamentary authorities have stated that they were unaware of this and suggested that the family should bring this situation to the attention of Parliament's Committee on Human Rights and National Unity or to the Ombudsman,

*Considering* that, according to the report of the Ministry of Foreign Affairs and Cooperation, Mr. Hitimana's vehicle was found abandoned at the Rwanda-Uganda border in Kaniga District; according to information from the local police station, his car had approached the Police checkpoint at Rukomo and the car's occupants, brandishing a firearm, disobeyed orders to stop; efforts by the police to intercept the car were unsuccessful; there were indications that Mr. Hitimana was involved in "*preparatory activities on the eve of his departure which are still being investigated*"; the National Police in cooperation with other neighbouring police forces had continued to seek the whereabouts of Mr. Hitimana, who was suspected to be living in neighbouring countries; his case was compared to that of two military officers also mentioned in the parliamentary report on the MDR, who had disappeared and been found to be living abroad,

*Considering* that, according to the President of the Chamber of Deputies, on 21 September 2004 Parliament's Committee on Human Rights and National Unity had a meeting with the Minister in charge of the Police at which the Police Deputy Commissioner General was present; the Minister stated that there was every indication that Mr. Hitimana was in Uganda or the Democratic Republic of the Congo, and that the investigation was continuing to bear out that hypothesis; in his view, a forced disappearance could be ruled out as there were no motives for targeting him; regular meetings between that Committee and the Minister have been planned,

*Considering* also that, in his letter, the President reiterated that no complaint had been received regarding the harassment of Mr. Hitimana's family and requested more information in this respect,

1. *Thanks* the President of the Chamber of Deputies for the information provided;
2. *Acknowledges* that investigations are continuing to establish Mr. Hitimana's whereabouts, and *believes* that, as in other similar cases, it should be possible for the authorities to locate Mr. Hitimana if he was indeed living in another country, especially a neighbouring country;
3. *Reaffirms* nevertheless that, so long as Mr. Hitimana's whereabouts have not been established, there remains the suspicion of a "forced disappearance"; and *recalls* that forced disappearances are a serious violation of human rights, and that Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in 1992, states that "*Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights ...*";
4. *Calls once again on* the parliamentary authorities, who have been informed of the threats against Mr. Hitimana's children, to do their utmost to support them and to ensure their safety; *believes* that, rather than waiting for the family to file an official complaint, Parliament should take an initiative to this end; *also invites* Mr. Hitimana's family to inform the President of the Chamber of Deputies of its situation;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and other competent authorities, inviting them to keep the Committee informed of any progress in the investigation;

6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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## CASE N° SYR/02 - MAMOUN AL-HOMSI - SYRIAN ARAB REPUBLIC

### *Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session (Geneva, 1 October 2004) \**

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Mamoun Al-Homsi, a former member of the People's Council of the Syrian Arab Republic, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of the information provided by the Syrian delegation at the hearing held with the Committee on the occasion of the 111<sup>th</sup> Assembly (September 2004),

*Recalling* that Mr. Al-Homsi was arrested on 8 August 2001 following the publication of an open letter calling in particular for observance of the Constitution, the lifting of the state of emergency, a halt to the intrusions of the intelligence services into daily life, and the establishment of a parliamentary human rights committee; he was charged with, inter alia, "*defaming the Constitution and displaying a hostile attitude towards the Government*"; having been found guilty on 20 March 2002, he was sentenced to five years' imprisonment, a judgment upheld on appeal on 24 June 2002, *recalling also* that Mr. Al-Homsi's state of health is said to have considerably deteriorated in detention,

*Recalling further* that, at the hearing held in September 2002, the then President of the People's Council stated that the Council's Bureau would propose a special amnesty in favour of Mr. Al-Homsi so that he might be released in the course of October 2002; however, no such action was taken and the Committee was only informed on 10 January 2003 that on 16 December 2002 the term of the People's Council had expired; at the hearing held on the occasion of the 108<sup>th</sup> Conference (April 2003), the new President of the Council stated that Parliament had no competence to grant an amnesty but he undertook to intercede with the Head of State in favour of the granting of an amnesty to Mr. Al-Homsi; at the hearing held on the occasion of the 109<sup>th</sup> Assembly (October 2003), the Syrian delegation stated that, as a consequence of an amnesty, Mr. Al-Homsi's prison term had been reduced by one third; finally, at the hearing during the 110<sup>th</sup> Assembly (April 2004), the Syrian delegation stated that in October 2003 Parliament had requested the President of the Republic to pardon Mr. Al-Homsi; an ad hoc commission had been set up to study his case together with that of Mr. Riad Seef, and both might be released shortly,

*Considering* that, after the meeting the Secretary General had with President Bashar al-Assad on the occasion of his visit to Damascus in March 2004, during which he raised the case of Mr. Al-Homsi, he was told that a decision in principle had been taken to release Mr. Al-Homsi,

*Considering nevertheless* that, at the hearing held in Geneva (September 2004), the Syrian delegation affirmed that the President could only grant an amnesty if the person concerned had lodged a petition; this was not the case of Mr. Al-Homsi as it had turned out after the Secretary General's visit; Parliament's Committee on Constitutional Affairs, which then met, confirmed that a pardon petition was necessary for the President to consider a case and Mr. Al-Homsi was informed accordingly; however, he has

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\* The Syrian delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

refused to submit such a petition; *considering* that, according to the delegation, the Parliament remained committed to action in favour of Mr. Al-Homsi's pardoning,

*Noting* that, according to the delegation, Mr. Al-Homsi has not been granted a one-third reduction of his sentence because a convict had statutorily to serve three quarters of his sentence before being entitled to such reduction and, even then, only after having lodged an application for that purpose,

*Noting finally* that, according to one of the sources, Mr. Al-Homsi's defence counsel has lodged an appeal in the State Security Court against the verdict handed down on Mr. Al-Homsi in March 2002, with a view to reversing that verdict,

1. *Thanks* the Syrian delegation for the information provided;
2. *Is perplexed* at the different information provided by the Syrian authorities over time as to the prospect of Mr. Al-Homsi's being granted an amnesty or pardon and as to whether or not his sentence had been reduced; *deploras* this state of affairs;
3. *Fails to understand why*, two years after the question of an amnesty was raised for the first time and one year after an ad hoc committee was set up to study the matter, the parliamentary authorities only now discover that a petition had to be submitted to the President for an amnesty to be granted, and that Mr. Al-Homsi did not do so;
4. *Is dismayed* that such ignorance of procedure has considerably delayed the consideration of a pardon for Mr. Al-Homsi, with the result that he has now already served more than half of his sentence;
5. *Would appreciate* receiving a copy of the legal provisions governing pardon and amnesty;
6. *Wishes to ascertain* whether Mr. Al-Homsi intends to submit a pardon petition, which, according to the authorities, does not entail any admission of guilt;
7. *Wishes to ascertain* whether a case against the verdict handed down on Mr. Al-Homsi in August 2002 is indeed being heard by the State Security Court;
8. *Requests* the Secretary General to inform the authorities accordingly;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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### **CASE N° SYR/03 - RIAD SEEF - SYRIAN ARAB REPUBLIC**

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004) \****

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Riad Seef, a former member of the People's Council of the Syrian Arab Republic, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

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\* The Syrian delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

*Taking account* of the information provided by the Syrian delegation at the hearing held on the occasion of the 111<sup>th</sup> Assembly (September 2004),

*Recalling* that Mr. Seef was arrested on 6 September 2001 and charged with “*defamation of the Constitution, unlawful activities and hostility towards the regime*” on account of having organised discussion forums; on 4 April 2002 he was sentenced to five years’ imprisonment; the judgment was upheld on appeal on 24 June 2002,

*Recalling further* that, at the hearing held in September 2002, the then President of the People’s Council stated that the Council’s Bureau would propose a special amnesty in favour of Mr. Riad Seef, so that he might be released in the course of October 2002; however, no such action was taken and the Committee was only informed on 10 January 2003 that on 16 December 2002 the term of the People’s Council had expired; at the hearing held on the occasion of the 108<sup>th</sup> Conference (April 2003), the new President of the Council stated that Parliament had no competence to grant an amnesty but he undertook to intercede with the Head of State in favour of an amnesty for Mr. Riad Seef; at the hearing held on the occasion of the 109<sup>th</sup> Assembly (October 2003), the Syrian delegation stated that, as a consequence of an amnesty, Mr. Riad Seef’s prison term had been reduced by one third; finally, at the hearing held during the 110<sup>th</sup> Assembly (April 2004), the Syrian delegation stated that in October 2003 Parliament had requested the President of the Republic to pardon Mr. Riad Seef; an ad hoc commission had been set up to study his case together with that of Mr. Al-Homsi, and both might be released shortly,

*Considering* that, after the meeting the Secretary General had with President Bashar al-Assad on the occasion of his visit to Damascus in March 2004, during which he raised the case of Mr. Riad Seef, he was told that a decision in principle had been taken to release him,

*Considering nevertheless* that, at the hearing held in Geneva (September 2004), the Syrian delegation affirmed that the President could only grant an amnesty if the person concerned had lodged a petition; this was not the case of Mr. Riad Seef as it had turned out after the Secretary General’s visit; Parliament’s Committee on Constitutional Affairs, which then met, confirmed that a pardon petition was necessary for the President to consider a case and Mr. Riad Seef was informed accordingly; however, he has refused to submit such a petition; *considering* that, according to the delegation, Parliament remained committed to action in favour of Mr. Riad Seef’s pardoning,

*Noting* that, according to the delegation, Mr. Riad Seef has not been granted a one-third reduction in his sentence because a convicted person had statutorily to serve three quarters of his sentence before being entitled to such reduction and, even then, only after having lodged an application for that purpose,

1. *Thanks* the Syrian delegation for the information provided;
2. *Is perplexed* at the different information provided by the Syrian authorities over time as to the prospect of Mr. Riad Seef’s being granted an amnesty or pardon and as to whether or not his sentence had been reduced; *deplores* this state of affairs;
3. *Fails to understand* why, two years after the question of an amnesty was raised for the first time and one year after an ad hoc committee was set up to study the matter, the parliamentary authorities only now discover that a petition had to be submitted to the President for an amnesty to be granted, and that Mr. Riad Seef did not do so;
4. *Is dismayed* that such ignorance of procedure has considerably delayed the consideration of a pardon for Mr. Riad Seef, with the result that he has now already served more than half of his sentence;
5. *Would appreciate* receiving a copy of the legal provisions governing pardon and amnesty;
6. *Wishes to ascertain* whether Mr. Riad Seef intends to submit a pardon petition, which, according to the authorities, does not entail any admission of guilt;

7. *Requests* the Secretary General to inform the authorities accordingly;
  8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).
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## TURKEY

CASE N° TK/39 - LEYLA ZANA  
CASE N° TK/40 - SEDAT YURTDAS  
CASE N° TK/41 - HATIP DICLE  
CASE N° TK/42 - ZÜBEYİR AYDAR  
CASE N° TK/43 - MAHMUT ALINAK  
CASE N° TK/44 - AHMET TÜRK  
CASE N° TK/48 - SIRRI SAKIK  
CASE N° TK/51 - ORHAN DOGAN

CASE N° TK/52 - SELIM SADAK  
CASE N° TK/53 - NIZAMETTİN TOĞUÇ  
CASE N° TK/55 - MEHMET SINÇAR  
CASE N° TK/57 - MAHMUT KILINÇ  
CASE N° TK/58 - NAİF GÜNES  
CASE N° TK/59 - ALI YIGIT  
CASE N° TK/62 - REMZİ KARTAL

*Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004) \**

The Governing 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, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Recalling* that Mr. Sinçar was assassinated in September 1993; Mr. Yurtdas, Mr. Alinak, Mr. Sakik and Mr. Türk were found guilty of separatist propaganda and sentenced to a fine and 14 months' imprisonment, which they served; as a result of that judgment, Mr. Alinak and Mr. Yurtdas were barred from practising their profession as lawyers; Mr. Toğuç, Mr. Kiliñ, Mr. Günes, Mr. Yigit and Mr. Kartal, all of whom fled abroad in 1994, were subsequently also accused of separatism and would be arrested and prosecuted should they return to Turkey,

*Recalling* that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak were sentenced in December 1994 to a 15-year prison term for membership of an armed organisation; on 26 June 2001, the European Court of Human Rights ruled that they had not enjoyed a fair trial and granted them just satisfaction; a retrial started in March 2003 before the Ankara State Security Court, which, on 21 April 2004, at the end of proceedings, upheld the conviction and the sentence again without respecting fair trial guarantees,

*Considering* that on 9 June and 14 July 2004, the Cassation Court (Yargıtay) ruled that they had not received a fair trial and ordered their release and retrial; that the retrial proceedings will start on 22 October 2004,

*Noting* that on 9 July 2004 one of the sources reported that criminal action was being taken against the four persons concerned for making speeches in Kurdish,

1. *Is highly satisfied* at the release of Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan;
2. *Expresses nevertheless deep regret* that the four former parliamentarians, as recognised by the European Court of Human Rights and the Turkish Cassation Court (Yargıtay), did not enjoy a fair trial in the course of both the original and the retrial proceedings;

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\* The Turkish delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

3. *Notes* that the persons concerned are now subjected to a third trial on the original charges brought against them ten years ago;
4. *Trusts* that, given the gross miscarriage of justice in this case and the significant lapse of time since Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan were first charged, the court will in this case proceed as a matter of urgency and enable them finally to present their full defence and to question the evidence produced by the prosecution; *would appreciate* being kept informed of progress in the proceedings;
5. *Expresses concern* at the alleged criminal action recently brought against the four former members of Parliament; *wishes to ascertain* whether they have been charged and, if so, on what legal grounds;
6. *Reaffirms* its conviction that, in common with these four former parliamentarians, Mr. Alinak, Mr. Yurtdas, Mr. Türk and Mr. Sakik were prosecuted and sentenced on account of having exercised their right to freedom of expression and that, for the same reason, charges of separatism were laid against Mr. Aydar, Mr. Toguç, Mr. Kiliç, Mr. Günes, Mr. Yigit and Mr. Kartal, all of whom went into exile for fear of arrest;
7. *Wishes to ascertain*:
  - (i) whether the charges brought in 1994 against the aforesaid six former members of Parliament have meanwhile been dropped and, if not, what the prospects are for the charges being dropped;
  - (ii) whether Mr. Alinak, Mr. Yurtdas, Mr. Türk and Mr. Sakik have fully recovered their civil and political rights, and in particular whether Mr. Alinak and Mr. Yurtdas are exercising their profession as lawyers;
  - (iii) whether the authorities have been able to identify and prosecute Mr. Sinçar's murderers;
8. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

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### CASE N° TK/66 - MERVE SAFA KAVAKÇI - TURKEY

***Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
(Geneva, 1 October 2004) \****

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Ms. Merve Safa Kavakçi of Turkey, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted at its 174<sup>th</sup> session (April 2004),

*Taking account* of a communication from the source dated 24 September 2004,

*Recalling* that Ms. Kavakçi was elected in the April 1999 elections but prevented from taking her oath; she was subsequently deprived of her Turkish nationality, for which reason the parliamentary authorities no longer considered her to be a member of the Turkish Parliament; on 22 June 2001, the Constitutional Court dissolved the party to which she belonged and banned her from political activity for five years;

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\* The Turkish delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

Ms. Kavakçi, who is currently living in the United States of America, is charged under Article 159 of the Turkish Penal Code for “*insulting and vilifying the dignity of the Republic and the Military Forces of the State in writing*”, and will have to appear before a judge on her return to Turkey,

*Considering* that Ms. Kavakçi filed a petition in the European Court of Human Rights regarding the revocation of her Turkish nationality while she was a Member of Parliament; the decision on admissibility of the petition is still pending,

1. *Calls once again* on the Turkish Parliament to provide redress to Ms. Kavakçi for the moral and financial prejudice she has suffered as a result of her arbitrary exclusion from Parliament, and *recalls* in this respect that the present Parliament itself has expressed regret at the treatment she suffered at the hands of the previous Parliament;
2. *Wishes* to be kept informed of the proceedings before the European Court of Human Rights regarding the revocation of Ms. Kavakçi's nationality;
3. *Notes* that a charge brought against Ms. Kavakçi under Article 159 of the Penal Code similar to that still pending has been withdrawn; *wishes to ascertain* the likelihood that the second charge will also be withdrawn;
4. *Requests* the Secretary General to invite the parliamentary authorities once again to provide the requested information;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).

## ZIMBABWE

CASE N° ZBW/12 - JUSTIN MUTENDADZAMERA  
 CASE N° ZBW/13 - FLETCHER DULINI-NCUBE  
 CASE N° ZBW/14 - DAVID MPALA  
 CASE N° ZBW/15 - ABEDNICO BHEBHE  
 CASE N° ZBW/16 - PETER NYONI  
 CASE N° ZBW/17 - DAVID COLTART  
 CASE N° ZBW/18 - MOSES MZILA NDLOVU  
 CASE N° ZBW/19 - ROY BENNETT  
 CASE N° ZBW/20 - JOB SIKHALA  
 CASE N° ZBW/21 - TICHAONA MUNYANYI  
 CASE N° ZBW/22 - PAULINE MPARIWA  
 CASE N° ZBW/23 - TRUDY STEVENSON  
 CASE N° ZBW/24 - EVELYN MASAITI  
 CASE N° ZBW/25 - TENDAI BITI  
 CASE N° ZBW/26 - GABRIEL CHAIBVA  
 CASE N° ZBW/27 - PAUL MADZORE

CASE N° ZBW/28 - GILES MUTSEKEWA  
 CASE N° ZBW/29 - AUSTIN MUPANDAWANA  
 CASE N° ZBW/30 - GIBSON SIBANDA  
 CASE N° ZBW/31 - MILTON GWETU  
 CASE N° ZBW/32 - SILAS MANGONO  
 CASE N° ZBW/33 - EDWIN MUSHORIWA  
 CASE N° ZBW/34 - THOKOZANI KHUPE  
 CASE N° ZBW/35 - WILLIAS MADZIMURE  
 CASE N° ZBW/36 - FIDELIS MHASHU  
 CASE N° ZBW/37 - TUMBARE MUTASA  
 CASE N° ZBW/38 - GILBERT SHOKO  
 CASE N° ZBW/39 - JELOUS SANSOLE  
 CASE N° ZBW/40 - EDWARD MKHOSI  
 CASE N° ZBW/41 - PAUL TEMBA NYATHI  
 CASE N° ZBW/42 - RENSON GANSELA  
 CASE N° ZBW/43 - BLESSING CHEBUNDO

*Resolution adopted unanimously by the IPU Governing Council at its 175<sup>th</sup> session  
 (Geneva, 1 October 2004) \**

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Justin Mutendadzamera, Mr. Fletcher Dulini-Ncube, Mr. Moses Mzila Ndlovu, Mr. David Mpala, Mr. Abednico Bhebhe, Mr. Peter Nyoni, Mr. David Coltart, Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Ms. Pauline Mpariwa, Ms. Trudy Stevenson, Ms. Evelyn

\* The Zimbabwe delegation, in two separate interventions, provided observations on the resolution and the report on the on-site mission, which may be found in the Summary Records of the 175<sup>th</sup> session of the Governing Council.

Masaiti, Mr. Tendai Biti, Mr. Gabriel Chaibva, Mr. Paul Madzore, Mr. Giles Mutsekewa, Mr. Austin Mupandawana, Mr. Gibson Sibanda, Mr. Milton Gwetu, Mr. Silas Mangono and Mr. Edwin Mushoriwa, all incumbent members of the Parliament of Zimbabwe, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/175/11(a)-R.1), and to the resolution adopted by the Governing Council at its 174<sup>th</sup> session (April 2004),

*Having before it* the case of Ms. Thokozani Khupe, Mr. Willias Madzimure, Mr. Fidelis Mhashu, Mr. Tumbare Mutasa, Mr. Gilbert Shoko and Mr. Jelous Sansole, as contained in the Committee's report, and the case of Mr. Paul Themba Nyathi, Mr. Renson Gansela, Mr. Blessing Chibundo and Mr. Edward Mkhosi, 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*",

*Having before it* the written report on the mission to Zimbabwe which the Committee carried out from 28 March to 2 April 2004, and the written observations provided thereon by the authorities and the parliamentarians concerned,

*Considering* that Mr. Coltart provided the following observations on the information contained in the report concerning the case brought against him under the Firearms Act: when he was first brought to court on 18 February 2002, his lawyer gave the court the names of independent witnesses able to state that he was nowhere near the scene of the incident and that the shot in question was in fact fired by the leader of the youth militia; the police did nothing about this evidence for over a year until the court ordered them to investigate; the police then failed to report back to the court, presumably because the witnesses confirmed Mr. Coltart's version of the events; nothing further has happened since, and the file has been closed,

*Taking account* of the information and observations provided by the delegation of Zimbabwe in two separate hearings with the Committee on the occasion of the 111<sup>th</sup> Assembly (September 2004),

*Considering* the following information provided since the mission took place:

- on 5 August 2004, the defendants, including Mr. Fletcher Dulini-Ncube, in the case of the murder of Cain Nkala, were found not guilty and discharged; the defendants were all Movement for Democratic Change (MDC) members;
- Mrs. Masaiti, Ms. Priscilla Misihairambwi-Mushonga, MP for Glen, and Mr. Nelson Chamisa were arrested and detained for short periods in April 2004, July 2004 and early September 2004, respectively; at the hearing, Minister Patrick Chinamasa stated in this respect that whenever there were international events, like the IPU meeting, MDC MPs would provoke incidents to draw international attention to them;
- on 11 September 2004, Mr. Blessing Chibundo was attacked by youth-militia during an authorised meeting while police reportedly looked on without intervening;
- since early September 2004, 12 MDC meetings, including report-back meetings, have apparently not been authorised by the police,

*Considering* that proceedings relating to contempt of the House are under way not only against Mr. David Coltart but also against Mr. Gabriel Chaibva and Mr. Roy Bennett; the latter concern the following incident: on 19 May 2004, Minister Chinamasa reportedly had called Mr. Bennett's forefathers "thieves and murderers", which provoked a scuffle between Mr. Bennett and others; Minister Chinamasa felt that the incident reflected what whites had been doing to blacks over the years; with regard to the contempt of the House proceedings against Mr. Coltart, he said that Mr. Coltart had knowingly made false statements and that Parliament was not a platform for propagating falsehoods,

1. *Thanks* the delegation of Zimbabwe for its cooperation;
2. *Commends* the delegation of the Committee on the Human Rights of Parliamentarians for its written report; *considers* that the oral and written observations made do not detract from the relevance of the report's conclusions, which it therefore *fully endorses*;

3. *Stresses* that the fundamental notion underlying democracy is the respect of the other; democratic life entails both the right to differ and the acceptance of such difference by all; therefore *notes with deep concern* the perception which the executive authorities in particular have of the opposition MPs, whom they tend to demonise and criminalise so that they are not only prevented from discharging the mandate entrusted to them by their electors, but also in many cases suffer serious infringements of their human rights, including the right to physical integrity and security;
  4. *Calls on* both parties firmly to pursue the dialogue which, as stated in the report, has started at an informal level, since only such dialogue can guarantee that the country progresses on the path towards justice and dignity for all its citizens;
  5. *Considers* that for such dialogue to be meaningful, past injustice must be remedied and everything done to avoid it in the future; *calls therefore on* the authorities, and in particular Parliament, to match words with deeds and so to ensure that the instances of torture, such as in the case of Mr. Sikhala, are investigated with the necessary diligence and the culprits brought to justice; likewise *urges* them to ensure the implementation of court orders which in some cases, especially that of Mr. Bennett, have been totally disregarded over a long period, and to avoid discrimination against opposition MPs in regard to the exercise of freedom of expression and of assembly;
  6. *Affirms* that Parliament has a duty and special interest to ensure that all its members are treated in a way consonant with national and international law and with the human rights standards to which Zimbabwe has subscribed, in order that they may carry out their mandate without hindrance;
  7. *Is dismayed* that a parliamentarian can hold a fellow parliamentarian accountable in Parliament for all the ills of colonial rule;
  8. *Notes* that the contempt of the House proceedings against Mr. Coltart, Mr. Chaibva and Mr. Bennett are *sub judice*; *wishes* to be kept informed of the proceedings; and *hopes* that such proceedings will not be resorted to in order to prevent opposition MPs from fully exercising their parliamentary mandate;
  9. *Requests* the Secretary General to convey this resolution to the authorities, the parliamentarians concerned and the sources;
  10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 112<sup>th</sup> Assembly (April 2005).
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