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## Special Session of the Council of the Inter-Parliamentary Union on Financing for Development

### 1. Inaugural Ceremony

The Special Session of the Council of the Inter-Parliamentary Union was opened at 2.30 p.m. on Wednesday, 25 September 2002 by the Council President, Dr. N. Heptulla (India) in the presence of Ms. L. Maury Pasquier, President of the National Council of Switzerland. Dr. Heptulla drew attention to the purpose of the Special Session, commenting on the need to provide a parliamentary response to the expectations raised among the world population by the Conference on Financing for Development that had been held six months previously in Monterrey, Mexico. Ms. Maury Pasquier then delivered an address in which she declared her unreserved commitment to parliamentary involvement in the international negotiating process, emphasising her standpoint as a Swiss citizen, a parliamentarian and a woman.

### 2. Participation

Delegations of the parliaments of the following 122 countries took part in the work of the Special Session of the Inter-Parliamentary Council<sup>1</sup>: Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic<sup>2</sup>, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji<sup>2</sup>, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, 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 Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

The following Associate Members also took part in the Special Session: the Andean Parliament, the Latin American Parliament.

The observers included representatives of: (i) Palestine; (ii) United Nations system: International Labour Organization (ILO), World Trade Organisation (WTO); (iii) League of Arab States, International Organisation for Migration (IOM), African Union; (iv) African Parliamentary Union (APU), Arab Inter-Parliamentary Union, Assembly of the Western European Union (WEU), Commonwealth Parliamentary Association (CPA); Association of European Parliamentarians for Africa (AWEPA), Maghreb Consultative Council, Parliamentary Assembly of the OSCE, Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Union of the OIC States (PUOICM), (v) International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC).

Of the total of 866 delegates who attended the Session, 406 were members of national parliaments. The parliamentarians included 28 presiding officers of parliament, 27 deputy presiding officers and 114 women parliamentarians (28%).

### 3. Proceedings and Decisions of the Special Session

The opening sitting of the Special Session was set aside for debate on the subject of Financing for Development. It was opened by Mr. E. Gudfinnsson (Iceland), one of the three co-rapporteurs on Financing for Development, who described the process that had led to the submission of the final Report. Over forty delegations took the floor, addressing the subject from a wide variety of standpoints. The Report on Financing for Development was broadly commented on, with some speakers drawing attention to areas that could have been given fuller treatment, such as health and malnutrition, while others chose to assess the contents of the Monterrey Consensus itself. There were suggestions that the IPU should strive to place

<sup>1</sup> For the complete list of IPU membership, see page 13.

<sup>2</sup> Reaffiliated to the IPU on the occasion of the 171<sup>st</sup> session of the Council of the Inter-Parliamentary Union.

itself at the forefront of debate on innovative forms of Financing for Development, such as taxes on carbon emissions or international financial transactions. Many commended the report as being a thorough document that faithfully reflected the broad concerns of the international community on the subject.

The second sitting on the morning of Thursday, 26 September was given over to a hearing of an international authority on Financing for Development, Mr. E. Zedillo (Mexico), formerly President of his country and currently Director of the Center for the Study of Globalization at Yale University. Mr. Zedillo had been appointed by the United Nations Secretary-General to head a high-level panel of experts to prepare a report for the United Nations Conference on Financing for Development of March 2002.

Mr. Zedillo gave a thought-provoking presentation on the subject, dwelling on the contents of his report to the United Nations, some of which was more innovative than the final consensus document of the UN Conference. He was then subjected to several rounds of questions from the parliamentarians. After the conclusion of the hearing, the debate on Financing for Development was resumed.

The afternoon sitting was devoted to a discussion of the draft resolution that accompanied the Report. Mrs. G. Mahlangu (South Africa), a co-rapporteur, introduced the resolution to the meeting, emphasising that the one constituency to which all the parliamentarians were accountable was the world's poor. She drew attention to the thirteen operative paragraphs which called upon parliaments to take various steps to follow up the Financing for Development process, and to the subsequent paragraphs setting out the role of the Inter-Parliamentary Union in pursuing that endeavour. By the close of the ensuing debate, the resolution

had been amended to include an additional series of suggestions. Parliaments were called upon to adopt special measures to ensure that the most vulnerable in society were included in the political process, to enact legislation that would strengthen the productive capacity of the grassroots economy, to help extend debt relief to countries which strived for good governance, and, in a much debated paragraph, to promote free and fair trade. The IPU was instructed to encourage intensified cooperation with the United Nations, the Bretton Woods institutions and the WTO. The rapporteurs, finally, were called upon to prepare a report on follow-up to the resolution to be submitted to a future IPU meeting. The draft resolution was approved as amended.

At the final sitting on the morning of Friday, 27 September, after a resumption of the debate on the Report, the resolution approved the previous day was adopted by consensus (for text of resolution see page 24). Mr. G. Asvinvichit (Thailand) speaking in his capacity as a co-rapporteur, made some concluding remarks on the new session model which the Council had first approved in Marrakech. The hearing had been lively and interesting and the draft resolution had elicited some robust exchanges. As to the debate, although the individual comments had been stimulating, it had been marred by a lack of spontaneity. As a model for reformed IPU meetings, it had proven successful in many aspects but still required further fine-tuning. Mr. Asvinvichit concluded his remarks by reminding the delegates that the three co-rapporteurs' mandate included the follow-up to the event and the submission of a report to a future IPU meeting, a duty they intended to take very seriously.

The President of the Council then closed the Special Session.

## 171<sup>st</sup> Session of the Council of the Inter-Parliamentary Union

The Council of the Inter-Parliamentary Union held its 171<sup>st</sup> session at the CICC Conference Centre in Geneva on 25 and 27 September 2002. The sittings were chaired by the President of the Council, Dr. N. Heptulla.

The Council noted the written and oral reports by Dr. Heptulla on her activities and meetings since the end of the 170<sup>th</sup> session in March 2002. The Council also noted an oral report by the President on the activities of the Executive Committee during

its 238<sup>th</sup> (Geneva) session (see page 9), as well as the interim report of the Secretary General on the activities of the IPU since March 2002.

The Council adopted a set of organisational guidelines for the Special Session on Financing for Development.

The Council endorsed a declaration by the President condemning the acts of violence threatening democracy and representative

institutions in Côte d'Ivoire and elsewhere in the world.

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### **1. Adoption of the Agenda**

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The Council adopted its agenda with the addition of a supplementary item entitled "*Amendments to the Rules of the Association of Secretaries General of Parliaments*". It also considered a request, submitted by the delegation of Switzerland, for an item entitled "*Parliamentary action in support of the establishment of an efficient International Criminal Court whose rules are universally and comprehensively applicable*". The request had received an unfavourable recommendation from the Executive Committee on the grounds that it was too complex a subject for adequate treatment in the available time. After a debate the proposal was put to a vote and was rejected (for results of the vote see page 27).

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### **2. Membership of the Union**

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The Council received two requests for reaffiliations to the Union, from the Parliaments of the Central African Republic and Fiji. In both cases the reaffiliations were approved. It discussed the situation of the five Members (Georgia, Malawi, Marshall Islands, Paraguay, United States of America) that fell under the terms of Article 4.2 of the Statutes and consequently faced possible suspension at the session, and decided to defer consideration of their cases until its next session in Santiago de Chile in April 2003 (see also section 6).

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### **3. Reform of the Inter-Parliamentary Union**

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At the conclusion of its debate on this item, the Council took a major step towards reform of the IPU by adopting by consensus a comprehensive reform package that had been elaborated by the Executive Committee and debated by the Council at previous sessions. The Executive Committee's rapporteur on the subject, Mr. G. Versnick (Belgium), presented the proposals which aimed at building an organisation that was more relevant in the modern world and that would be better placed to provide a parliamentary dimension to international cooperation.

Mr. Versnick outlined the proposals and stated that following extensive consultations, the Executive Committee recommended that the future Standing Committees be open to participation by all the Union's Members and that emergency items be adopted by a two-thirds majority. He informed the members that the Executive Committee had already started to prepare amendments to the Statutes and

Rules of the Organisation which would be circulated to the membership in time to be adopted by the Union's Governing bodies at their next session in Santiago de Chile. Implementation of the reform would subsequently start in the second half of 2003.

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

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The Council received a progress report on the project from which it noted that the renovation and construction work would be finished in November 2002 and that the Secretariat would move into the new premises before the end of the year. It was informed that significant savings had been achieved in the course of the construction. It took note of the efforts that were being made to raise additional funds and thanked the parliaments of Belgium, Germany and Italy for the voluntary contributions they were making towards the project. The Council requested the Secretary General to pursue the fund-raising efforts. The Council authorised the Secretary General to use part of the savings that had been made to initiate work to renovate the external facade of the annex, pending further contributions that would permit all the necessary work to be carried out.

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### **5. Cooperation with the United Nations System**

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The Council restated its support for the general approach and operational details of the Inter-Parliamentary Union's contribution to the work of the United Nations which it had adopted in Marrakech (see page 28). The Council discussed and approved the draft resolution (see page 30) entitled "*Cooperation between the United Nations and the Inter-Parliamentary Union*" which it hoped would be adopted by the 57<sup>th</sup> session of the United Nations General Assembly. Member parliaments were strongly urged to discuss its contents with their foreign ministries to obtain support for its adoption so that the Union would obtain observer status in the UN General Assembly and secure the right to circulate its official documents.

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### **6. Programme and Budget for the Year 2003 and other Financial Matters**

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The Council unanimously approved the budget and scale of contributions for the financial year 2003, as summarized on pages 32 to 36, after having heard the Executive Committee's proposals for the programme and budget of the Union for 2003, presented by Mr. G. Versnick (Belgium), rapporteur of the Committee. Mr. Versnick explained that the

draft budget had been based upon assumptions of a full program of activity under the reform agenda, a replenishment of the Working Capital Fund which had a cash balance of only three million Swiss francs, funding the operation of the new headquarters building and implementing accrual accounting, with charges for depreciation and contractual liabilities. The draft budget proposal had called for a ten per cent increase in Member fees.

The Executive Committee had reviewed the spending estimates carefully. While expressing appreciation for the clarity of the new presentation, it had been concerned about the increase in Members' assessed contributions but did not wish to reduce the program activities of the IPU. It had therefore proposed reductions to the spending estimates, including a lower contribution to the Working Capital Fund, reducing the grant to the ASGP and eliminating the provision for doubtful accounts.

The Council thus approved a total budget for 2003 of CHF 9'467'600 requiring a 7 per cent increase in the assessed contributions, but urged the Secretary General to constrain spending in order to limit the increase in assessed contributions in subsequent years.

Having decided to defer the question of the five Members in arrears in the payment of their contributions and liable to suspension under Article 4.2 of the Statutes, until the forthcoming Conference in Santiago de Chile, the Council agreed not to assess contributions against those Members, on the grounds that it was very unlikely that assessed contributions would ever be collected from them, that an assessment would simply increase their arrears and make their subsequent reaffiliation more difficult, and that they had not asked for the deferment.

The Council received a comprehensive report on the financial situation of the IPU at 30 June 2002 which included a projection of budgetary outlays to 2008 and a complete detailed listing of member arrears.

The Council encouraged the Secretary General to seek further voluntary contributions to the activities of the Union, and approved a set of guidelines to govern the acceptance of voluntary contributions.

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## **7. Recent Specialised Conferences and Meetings**

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The Council took note of the report on the Parliamentary Meeting held on 8 April on the occasion of the 58<sup>th</sup> session of the United Nations

Commission on Human Rights. The meeting took place in response to a need expressed by parliamentarians to hear from key UN officials and experts about human rights standards and mechanisms while the main UN body in the field, the Commission on Human Rights, was actually discussing them. After a lively discussion, the United Nations Special Rapporteurs on the freedom of expression and opinion, on the independence of the judiciary, and on the right to education were given the floor to present their mandates and activities. The ensuing debate highlighted the complementary nature of the work that these UN experts and parliamentarians carry out in promoting human rights. At the close of their work, the parliamentarians concluded that the meeting had been a welcome first step towards greater parliamentary involvement in the work of the Commission on Human Rights. They recommended repeating the initiative the following year in the hope that it would reach a growing parliamentary audience, and suggested that the programme include a more specific focus on follow-up activities they could undertake to promote human rights in their respective countries.

The Council took note of a panel on "*Older people as volunteers*", held in Madrid in April on the occasion of the Second World Assembly on Ageing by the United Nations Volunteers and the International Federation of Red Cross and Red Crescent Societies, with the support of the Inter-Parliamentary Union.

The Council took note of the report on the Parliamentary Forum on Children held on the occasion of the Special Session of the United Nations General Assembly on Children, jointly organised by the IPU and UNICEF in New York on 9 May 2002. Some 250 parliamentarians from 80 countries participated in the Forum which was designed to encourage parliaments to address children's issues from a child rights perspective. The discussion covered concerns of children and youth from both developing and developed countries: their unmet needs as well as their suffering (see page 37 for a summary of the debate). The Forum put forward a series of recommendations to parliaments and their members. The IPU and UNICEF are currently examining ways and means whereby the two organisations could work together on concrete projects to advance the agenda for children that was set at the Parliamentary Forum and the Special Session of the United Nations General Assembly.

The Council noted the report presented by Mr. G. Andreotti (Italy) on the Parliamentary Meeting on

the occasion of the *"World Food Summit: five years later"*, which the Italian Parliament held in Rome on 11 June 2002 with the support of the IPU. The objective of the Meeting was to build political support by parliaments for the fight against hunger in the light of new challenges to the achievement of the World Food Summit's goals. On 13 June 2002, the Speaker of the Italian Chamber of Deputies, Mr. P. Casini, officially presented the report of the Parliamentary Meeting to the plenary closing sitting of the Summit. In his speech, Mr. Casini referred to the call for the establishment of voluntary guidelines for the progressive realisation of the right to adequate food, stating that full participation of parliamentarians in that process would be fundamental for ensuring that the guidelines reflect different concerns and encompass different national realities. In his presentation to the Council, Mr. Andreotti urged all parliaments to set aside a day in their annual programme for a debate on the question of food aid.

The Council also took note of the work of the parliamentary satellite session entitled *"Parliamentarians: Linchpin between Government and the People"*, organised by UNAIDS with IPU support on the occasion of the XIV<sup>th</sup> International AIDS Conference in Barcelona on 8 July 2002. The purpose of the session was to examine strategies for getting the parliaments of North and South alike more involved in efforts to combat HIV/AIDS. Participants examined more particularly the role that parliamentarians could play in awareness-building, education and policy-making, drawing on best practices identified in the field.

The Council also took note of the report on the Regional Seminar for Asian Parliaments on *"Parliament and the budgetary process, including from a gender perspective"* organised within the framework of the Union's technical cooperation programme, in cooperation with UNDP and the World Bank, held in Manila from 23 to 25 July 2002. The event was the third in a series of similar initiatives, the first two of which took place in Kenya and Mali in May 2000 and November 2001 (see page 40 for the summary of the discussions).

The Council took note of the fifth Workshop of Parliamentary Scholars and Parliamentarians, staged by the Centre for Legislative Studies of Hull with IPU sponsorship and held in Oxford on 3 and 4 August 2002.

The Council further took note of the Panel Discussion on *"Community Involvement and Volunteering in Sustainable Development"* organised by the International Federation of Red Cross and Red Crescent Societies and the United Nations

Volunteers with IPU support at the World Summit on Sustainable Development in Johannesburg, on 28 August 2002. The speakers at the event, who included the President of the IPU Council, urged governments in particular to strengthen their cooperation with volunteer organisations, which can play a decisive role in the field of environmental protection. The meeting sprang from the partnership established between the IPU, the United Nations Volunteers and the International Federation of Red Cross and Red Crescent Societies to promote volunteering.

Lastly, the Council took note of the Parliamentary Meeting on the occasion of the World Summit on Sustainable Development organised by the South African Parliament in Johannesburg from 29 to 30 August 2002 with IPU support. Its purpose was to provide a parliamentary dimension to the Summit by giving the MPs present in Johannesburg an opportunity to exchange views on a number of crucial issues raised by sustainable development. Some 380 delegates representing IPU Members and Associate Members as well as organisations with observer status were present. The Meeting held four half-day panels, on the *Role of parliaments in ensuring implementation and compliance with reporting requirements*, on *Sustainable development: The basis of human security*, on *Improving the international framework for sustainable development*, and on *New Partnership for Africa's Development (NEPAD) and other new forms of partnership for development*. During the discussions, the participants amended the draft resolution which the Secretariat had sent to IPU Members in the month prior to the Meeting. The Declaration, adopted by acclamation at the close of the Meeting, was then submitted to the World Summit on Sustainable Development with the help of the South African Parliament (see page 48 for the text of the Declaration).

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## 8. Reports of Subsidiary Bodies and Committees

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At its sitting on 27 September, the Council took note of the reports of the Coordinating Committee of Women Parliamentarians and of the Gender Partnership Group.

The Council also heard the report of the Committee on Middle East Questions followed by statements by the representatives of Palestine and Israel. Subsequently the Council took note of the report and endorsed the proposal that the IPU provide sponsorship to a meeting in Geneva between members of the Knesset and the Palestinian Legislative Council (submitted by the Swiss Group



and the Manifesto - Movement for a Just and Lasting Peace in the Middle East). The Council noted that the Palestinian presidential and parliamentary elections were scheduled for 20 January 2003 and called for a safe, free and fair process. It encouraged parliaments actively to support the electoral process, including by sending MPs as observers. Moreover, the Council authorised an IPU mission to observe the elections and report to the Council at its next session.

The Council approved the resolutions presented by the Committee on the Human Rights of Parliamentarians concerning 25 cases of human rights violations affecting 134 MPs or former MPs of 17 countries (see pages 60 to 96 for resolutions). The delegation of Malaysia specified, in particular with reference to paragraphs 2 and 4 of the resolution on Mr. Anwar Ibrahim, that the relevant decisions and rulings had been made in conformity with Malaysian law. It pointed to the case of a member of the ruling party who had been sentenced by the Federal Court and, in concluding its statement, expressed its commitment to continue its cooperation with the Committee.

On the Committee's recommendation, the Council authorised it to examine cases regarding members of the Palestinian Legislative Council.

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## **9. Future Inter-Parliamentary Meetings**

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The Council approved the agenda of the 108<sup>th</sup> Conference to be held in Santiago de Chile (see page 57). It examined requests for observer status from the Interparliamentary Assembly of the Eurasian Economic Community and the Parliamentary Confederation of the Americas (COPA), and approved both, as well as the list of international organisations to be invited to attend as observers (see page 58).

The Council approved the list of future meetings and other activities (see list page 59).

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## **10. Amendments to the Statutes of the Inter-Parliamentary Union**

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The Executive Committee held its 238<sup>th</sup> session in Geneva on 23, 24, and 26 September 2002. The President, Dr. N. Heptulla, chaired the meetings. The following members and substitutes took part in the session: Mr. F. Drilon (Philippines) substituted on 26 September by Mr. R.B. Albano, Mr. N. Enkhbold (Mongolia), Ms. J. Fraser (Canada),

Since its inception, the Gender Partnership Group has studied and discussed ways of achieving balanced participation by men and women in the work of the Inter-Parliamentary Union. After observing the situation relating to the presence of women in delegations to the Union's Conferences and on its governing bodies and standing committees over a period of two years, the Group consulted the Organisation's Members on a series of ideas to achieve more balanced participation.

Basing itself on the results of the consultation, the Group drew up four proposals for amendments to the Statutes and formally invited the IPU Council in Marrakech to take a stand on them at its session in Geneva.

Several sub-amendments were subsequently proposed by Belgium, Belarus, Japan and Sudan. These were studied by the Gender Partnership Group during its session in Geneva. Only the Belgian sub-amendment proposals were formally endorsed by the Group and the other sub-amendment proposals were withdrawn.

The Group's amendments, as sub-amended by Belgium, were approved by the Council during its sitting of 27 September and will be submitted for adoption to the 108<sup>th</sup> IPU Conference in Santiago de Chile. The text of the amendments is found on page 52.

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## **11. Amendments to the Rules of the Association of Secretaries General of Parliaments**

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The Council approved the proposed amendments to the Rules of the Association of Secretaries General of Parliaments (see page 53). The Rules were amended to take account of recent developments on the international scene involving the emergence of new States and the diversification and growing complexity of political situations. The amended Rules took account of the increasing role of parliaments and the needs of parliaments in emerging democracies for assistance. They also sought to adapt the Rules to present and future reforms within the IPU.

## **238<sup>th</sup> Session of the Executive Committee**

Ms. P. Larsen (Denmark), Ms. G. Mahlangu (South Africa), Mr. J. Máspoli (Uruguay), substituting for Mr. W. Abdala, Mr. A. Ndjavé Djoye (Gabon), substituting for Mr. G. Nzouba-Ndama, Mr. I. Ostash (Ukraine), Ms. Z. Rios-Montt Sosa (Guatemala), Mr. R. Salles (France), Mr. M. Tjitendero (Namibia), and Mr. G. Versnick

(Belgium), replaced by Mr. F. Erdman on 24 September. Mr. M. Al-Saqer (Kuwait) was absent.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Council. The other matters considered by the Committee are summarised below.

The Committee took note of a status report on the situation of the transitional parliaments of Angola, Burundi and Rwanda, and welcomed the establishment of an elected parliament in Congo. It also noted that parliamentary elections were scheduled to take place in Bahrain and in Pakistan. It was informed that the Secretary General had received a request from the League of Arab States for the conclusion of a memorandum of understanding with the IPU, and instructed the Secretary General to continue negotiations with that organisation.

The Committee approved a request from the Parliament of Equatorial Guinea for one of its members to observe the Geneva Session with a view to submitting a request for reaffiliation.

The Committee discussed the recent visit to the Shoura Council of Saudi Arabia by several of its members and the Secretary General. It noted that no official request for membership of the IPU had been submitted by the Shoura Council, and agreed to continue its informal contacts with that body.

The Committee reviewed developments in the IPU's relationship with several organisations, agencies and

programmes of the United Nations system. It requested the Secretary General to follow up on the outcome of the United Nations General Assembly Special Session on Children, and to prepare a programme of cooperation with UNICEF, for the consideration of the Union's governing bodies in Santiago de Chile. The Committee also requested the Secretary General to explore possibilities for undertaking joint activities with UNESCO. It expressed support for the increased cooperation with the United Nations Volunteers (UNV) and the International Federation of Red Cross and Red Crescent Societies (IFRC) in the area of volunteering and endorsed the conception of future joint activities as a partnership between the three organisations.

The Committee studied a request submitted by the Speaker of the German Bundestag for the IPU to give its approval to a Draft Charter of the Duties of States. It recommended that the subject be taken up with the Bundestag and that no further action be taken.

It also noted that the IPU Liaison Office in New York would shortly be moving to new and more economically advantageous premises.

The Committee continued its discussion on the subject of relations with inter-parliamentary organisations, assemblies and networks, expressed concern at the proliferation of such bodies, and proposed to consult the membership of the Union with a view to developing a comprehensive strategy in this field.

## Coordinating Committee of Women Parliamentarians

The Coordinating Committee of Women Parliamentarians met on 25 September 2002 with its President, Ms. G. Mahlangu (South Africa) in the chair. It was its first session since the election of its regional representatives, which took place during the 107<sup>th</sup> Conference.

The meeting heard a report by Ms. J. Fraser, (Canada), moderator of the IPU Gender Partnership Group. The Committee unanimously endorsed the amendments to the Statutes proposed by the Gender Partnership Group as well as the Belgian sub-amendments (see page 52). The Committee also concurred with the Group's proposal that both entities continue to hold regular joint meetings. The next meeting would take place in Chile when they would discuss the reform process, ways of making sure that women participated fully in the new system, and the role of the Meeting of Women MPs.

The Committee prepared the Eighth Meeting of Women Parliamentarians and the next session of the Coordinating Committee, both scheduled to take place on the occasion of the next IPU Statutory Meetings in Chile. The Committee discussed and adopted the provisional agendas for both meetings. It decided that the Meeting of Women Parliamentarians would debate one item on the agenda of the 108<sup>th</sup> Conference, namely item 5 on *International cooperation for the prevention and management of transborder natural disasters and their impact on the regions concerned*, in an effort to ensure that gender issues were taken into account in the final resolution adopted by the Conference.

The Committee discussed preparations for the debate on *"The best ways to account for women's contribution to the economy and the general welfare*

of society, and to assess it at its full value", which had been included in the agenda of the women parliamentarians in Chile. The debate aims at involving men parliamentarians in the work of the Meeting and enhancing dialogue between men and women on gender issues, and the Committee invited all delegations to ensure that both men and women participated actively.

The Committee discussed preparations for the panel discussion on "Trafficking of the girl child", to take place in Chile. After debating themes for the panel, it agreed to broaden the scope of the event to "Trafficking of children", as the issue did not exclusively concern the girl child.

The Committee went on to consider proposed amendments to the Rules of the Meeting of Women Parliamentarians aimed at encouraging the participation of men parliamentarians in the work of the Meeting, as well as achieving a better balance in the membership of the Coordinating Committee. It decided to submit these proposals to the 8<sup>th</sup> Meeting of Women Parliamentarians.

Lastly, the Committee received the two candidates to the Presidency of the Council of the IPU who presented their programmes and responded to questions from the Committee members. It also paid a tribute to Dr. Heptulla, first woman President of the IPU Council, for her unfailing support and action in favour of gender partnership.

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

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

The Committee held its 99<sup>th</sup> session from 23 to 26 September 2002 in Geneva. The session was chaired by Mr. J.P. Letelier (Chile), President of the Committee, with the participation of Ms. A. Clywd (United Kingdom), Ms. V. Nedvedova (Czech Republic) and Mr. M. Samarasinghe (Sri Lanka) as titular members and Ms. S.N. Djaafar (Algeria) and Mr. J. Lefevre (Belgium) in their capacity as substitute members.

The Committee held six *in camera* meetings during which it studied 54 cases concerning 202 serving or former parliamentarians from 31 countries in all regions of the world. Taking advantage of the presence in Geneva of delegations from several of the countries concerned, the Committee conducted eight *in camera* hearings.

The Committee discussed eight new cases from seven countries, after thoroughly examining the allegations and information submitted to it. It decided to submit to the Council a report and recommendations on a total of 25 cases concerning 134 serving or former MPs in the following 17 countries: Belarus, Burundi, Cambodia, Colombia, Ecuador, Gambia, Guinea, Honduras, Indonesia, Madagascar, Malaysia, Mongolia, Myanmar, Pakistan, Rwanda, Turkey and Zimbabwe (see pages 60 to 96 for text of resolutions). Two cases, one concerning four parliamentarians from Rwanda, and the other a parliamentarian from Turkey were submitted to the Council for the first time.

The Committee also brought to the attention of the Council for the first time the situation of five kidnapped parliamentarians in Colombia, merging their case with the case of Colombian MP Mr. Oscar Lizcano.

The Committee recommended that the Council close the cases concerning a parliamentarian from Cambodia and a parliamentarian from Guinea.

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

The Committee met on 26 September under the chairmanship of Ms. A. Köster-Lossak (Germany), who chaired the session since the former Committee President, Mr. Y. Tavernier (France), was no longer a member of Parliament. The titular members present were Mr. R. Ahouandjinou (Benin), Ms. P. Chagsuchinda (Thailand), Mr. S. El-Alfi (Egypt) and Mr. T. Hadjigeorgiou (Cyprus). Mr. F.M. Vallersnes (Norway) was absent.

The Committee held a hearing with Israeli and Palestinian representatives in the presence of delegates from Egypt and Jordan and an observer from the League of Arab States. The Committee subsequently held an exchange of views on its objectives and working methods. It reviewed a proposal for a parliamentary dialogue to take place in Geneva in December 2002, and made proposals for parliamentary support of the Palestinian presidential and parliamentary elections in January 2003 (see full report on page 50).

### **3. Gender Partnership Group**

The Gender Partnership Group held its 10<sup>th</sup> session in Geneva. Ms. J. Fraser (Canada), Ms. G. Mahlangu (South Africa), substituting for Dr. Heptulla (India), Mr. J. Máspoli (Uruguay), substituting for Mr. W. Abdala (Uruguay) and Mr. M. Tjitendero (Namibia) took part in the session. Ms. Fraser acted as moderator.

The Group studied the composition of delegations in Geneva and at previous IPU Conferences (1999-2002). It welcomed women's increasing participation in IPU Conferences over the past four years. The Group nevertheless expressed strong concern at the continuing high proportion of all-male delegations.

With regard to the four statutory amendments it had presented to the Council in Marrakech, the Group studied four sub-amendments and decided to formally endorse the two submitted by Belgium (see page 52 - section Amendments to the Statutes).

The Group assessed the follow-up given to the recommendations it had formulated in Marrakech. It welcomed the results produced by the letters addressed by the IPU Secretary General to parliaments which had failed to include women in their delegations announced for the Geneva Special Session and invited him to do the same prior to future IPU meetings. It also welcomed the response by the Coordinating Committee of Women Parliamentarians to its recommendations regarding ways of encouraging men delegates to participate in

the work of the Meeting of Women Parliamentarians.

It recommended that the joint sessions with the Coordinating Committee of Women Parliamentarians be continued in order to discuss proposals to ensure women's participation at all levels of the IPU's work such as:

- Ensuring that any enlargement of the Executive Committee include a proportionate increase in the female membership stipulated in Article 23.2 of the Statutes;
- Including in the Rules of the future Standing Committees provisions stipulating that all committees must have officers and rapporteurs of both sexes, that delegations must be composed of both men and women and that they must take gender issues into consideration in all their debates, resolutions and decisions;

The Gender Partnership Group discussed follow-up to the panel discussion on Female Genital Mutilation (FGM), organised on the occasion of the 106<sup>th</sup> IPU Conference in Ouagadougou (September 2001), and to the second meeting on the subject organised in Marrakech, during the 107<sup>th</sup> Conference (March 2002). It urged the African Parliamentary Union, which had taken the lead on this project, and the Inter-Parliamentary Union, to take action to keep the FGM campaign alive.

## Elections and Appointments

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### 1. President of the Council of the Inter-Parliamentary Union

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The Council elected Mr. S. Páez Verdugo (Chile) as President of the Council of the Inter-Parliamentary Union for a three-year term to end in September 2005.

The Council also paid a tribute to its outgoing President, Dr. N. Heptulla (India), on whom it conferred the title of Honorary President of the Council of the Inter-Parliamentary Union.

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### 2. Executive Committee

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The Council elected Mr. S.Y. Almansury (Libyan Arab Jamahiriya) and Mr. S. Fazakas (Hungary) for a four-year term and elected Mr. R. Salles (France) and Mr. F.M. Drilon (Philippines) until the expiry of their predecessors' terms in September 2005 and September 2003, respectively.

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### 3. Committee on Middle East Questions

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The Council elected Ms. M. Bergé-Lavigne (France) as titular member and Ms. P. Torsney (Canada) as substitute member for four-year terms until September 2006.

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### 4. Auditors for the 2002 Accounts

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The Council reappointed Mr. N. Enkhbold (Mongolia) and Mr. O.R. Rodgers (Suriname) as auditors for the 2002 accounts of the Union.

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### 5. External auditor for the Union's accounts

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The Council reappointed Mr. H. Sorgatz as External Auditor for the Union's accounts for a period of three years.

## Membership of the Union\*

### **Members (144)**

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

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

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

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\* At the closure of the Special Session of the Council

## Report and Resolution of the Special Session

### FINANCING FOR DEVELOPMENT

*Report submitted to the Special Session of the Council*

*(Geneva, 25-27 September 2002)*

*by the Co-Rapporteurs*

*Mr. G. Asvinvichit (Thailand)*

*Mr. E. Gudfinnsson (Iceland)*

*Mrs. G. Mahlangu (South Africa)*

#### I. Introduction

1. The International Conference on Financing for Development was held in Monterrey, Mexico, in March 2002. The outcome of the Conference is known as the Monterrey Consensus.

2. Broadly speaking, the objective of the Consensus is to commit countries to eradicate poverty, achieve sustained economic growth and promote sustainable development. The Consensus calls for partnerships at all levels to address the challenges of raising financing for development, and summons the international community to make the international monetary, financial and trading system more coherent by working to improve global economic governance and strengthen the United Nations leadership role in development.

3. The challenge that lies ahead, as the United Nations Secretary-General has said, is to maintain the positive spirit that led to the Monterrey Consensus, and translate it into real and meaningful implementation.

#### II. Overview of Financing for Development

4. Since most of the resources available to developing countries and countries with economies in transition are domestic, national policies to use these resources in a way that will sustain growth and development are particularly important. Experience has shown that countries that have high domestic savings rates and which invest heavily in people have also significantly reduced poverty.

5. Since the 1990s, international private flows have become a crucial complement to domestic resources. However, the private flows have tended to go towards a very limited number of developing countries. In 1997, for example, three-quarters of all foreign direct investment (FDI) went to a mere ten countries, most of them middle-income countries<sup>3</sup>. Moreover, the flows of private capital in the 1990s also increased the vulnerability of developing and transition economy countries to crises of confidence and sudden reversals of capital flows. Furthermore, in order for such flows to have a genuinely beneficial effect, sound economic policies are necessary in the beneficiary countries.

6. For least developed and other low-income countries with scant domestic resources and little ability to attract international private flows, official development assistance (ODA) is still an important source of financing. In some of these countries, it is the only source of financing for investment. Nevertheless, (and despite the fact that a handful of countries have contributed up to 4% of their GNP to development aid in recent years) ODA declined as a percentage of donor countries' GNP during the 1990s<sup>1</sup>. The recent pledges made by the United States and the European Union at Monterrey have reversed this trend: the EU's ODA will increase from 0.33% to 0.39% of GNP (equivalent to an extra \$7 billion per year by 2006), with 0.7% of GNP as their ultimate goal; US ODA will increase by \$5 billion over the next three budget years.

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<sup>3</sup> Clarke et al. *“Building a Common Future, United Nations Work on Financing for Development.”* Quaker United Nations Office, 2000.

7. Some authorities dispute the value of such figures. They propose, as a useful alternative to the target levels based on percentages of donor country GNP, that the real cost of overall development goals be calculated, and that the amount to be covered by aggregate development assistance be assessed as a proportion of the former.

8. A first priority of development financing should seek to achieve the Millennium Development Goals (MDGs) to which the heads of State and government committed themselves in their Millennium Declaration. The MDGs consist of 8 broad goals and 18 specific targets (see Annex I). According to UNDP data, some 70 countries are currently off-target with respect to the first and most important goal of halving poverty by 2015, and 43 countries are behind with respect to the target of eliminating hunger; 26 countries are projected to miss the goal of universal primary education, and some 63 countries will fail to reduce under-five child mortality.

9. There are many methodological problems in costing the MDGs globally. However, broad estimates can help to better quantify the effort that still needs to be made. With respect to the first and most important goal of poverty eradication, for example, independent and United Nation estimates say that it will take a doubling of the roughly \$50 billion currently spent worldwide each year in foreign aid to meet the Millennium goal of cutting poverty in half by 2015<sup>4</sup>. If the UN goals are not met by that date, it is projected that an additional 56 million children will die of starvation and preventable disease in the intervening period<sup>5</sup>. One billion people will still be struggling to subsist on less than \$1 a day, just as they are today. Nor is it sufficient to spend much more on foreign aid. The money must also be utilised in a more effective and efficient manner.

10. Much of the current analysis shows that sound economic policies are necessary for ODA to be of real benefit. ODA is also found to be most beneficial in the Least Developed Countries (LDCs). ODA spent on projects that will increase the long-term quality of life (such as public health, education, or agriculture) is more beneficial than short-term solutions.

11. Bilateral aid is still much more prevalent than multilateral aid. Around 70% of foreign aid is spent bilaterally, even though studies generally show that money spent through international organizations, despite the many instances of costs increasing as a result of overheads, usually reaches the poor more directly. Why then the emphasis on bilateral aid? The answer can often be found in the fact that aid is an important instrument of foreign policy.

12. Others contend, however, that ODA should not be judged in terms of whether it is bilateral or multilateral, but exclusively in terms of its effects. They also question whether money channelled through international organisations reaches the poor more directly, quoting examples of aid directly injected into local "grassroots" cooperation projects with successful results.

13. International trade is by far the greatest source of financing for development. In the long run, expanding international trade will be the most effective way to promote growth and reduce poverty. Trade liberalisation was associated with significant growth in incomes and exports of several developing countries during the 1990s, but liberalisation should be complemented by measures to diversify and enhance the country's productive capacity. Last year a new round of trade talks were launched in Doha. The outcome of the new round will be critical to development and will show whether the developed countries are committed to reducing poverty.

14. Many developing countries, especially among the LDCs, have not achieved sustained increases in their per capita GDP as a result of trade. The economic environment has been simply too punishing. Among other things, the protection of market access by developed countries has been enormously detrimental to the developing countries' ability to expand their exports of goods and services. The United

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<sup>4</sup> United Nations. *Financing for Development, A Critical Global Collaboration.* United Nations, New York, 2002.

<sup>5</sup> Oxfam projection

Nations estimates the gains for developing countries from continued liberalisation in the goods market alone to be around \$100-150 billion. The EU's proposal to grant duty-free and quota-free access to all goods except arms from the forty-eight LDCs will, it is hoped, set an example for other developed countries. Similar measures should also be extended to other developing and transition economy countries.

15. The ability to trade is of paramount importance for the poor countries. Indeed, if the industrialized world were to truly open its markets to imports from the poorest countries in areas where they have a comparative advantage, this would far outweigh the benefits of handouts. It is not credible to quote conventional wisdom on the benefits of trade when it comes to opening financial and high-technology markets and at the same time lament the burdens placed on domestic producers by "cheap" imports of textiles and agricultural products.

16. The Director General of the World Trade Organization (WTO) said in Monterrey that the massive agricultural support in the OECD countries, which reaches a billion dollars a day, undercut the developing countries and forced even the most efficient producers out of markets. If those subsidies were dismantled, the return to developing countries would, he said, be eight times all debt relief granted developing countries thus far. The United Nations Secretary-General put it in different terms: "It is no good helping dairy farmers in a country, if at the same time you are exporting subsidized milk powder to it".

17. Some parliaments believe, however, that agriculture provides such a wide range of beneficial functions for society that it deserves to be considered separately from other sectors of goods and services. While agreeing that imbalances between rules applied to food exporters and food importers should be corrected, they point out that agriculture provides for food security which is crucial to the preservation of the social fabric, and protects the land and the environment.

18. The growing use of complex industrial standards and regulations also presents obstacles. Experience after the Uruguay Round has shown that developing countries are woefully short of institutional capacity in the formulation, negotiation, and implementation of trade policies. Funding is thus needed for the Integrated Framework for Technical Assistance for the LDCs and similar frameworks for other developing countries.

19. While some low and middle-income countries have successfully used external debt financing to generate growth and incomes to repay such debt, others have ended up with unsustainable debt that annuls efforts to combat poverty. The debt problems may be due to these countries' own domestic economic policies, debt management, or other circumstances over which they have no control such as natural disasters or war. Matters are worsened by the external economic environment, if for example there is a sudden slump in commodity prices or other radical changes in terms of trade. In the latter circumstances, measures to alleviate the burden of debt servicing or debt cancellations may be called for.

20. The Heavily-Indebted Poor Countries' (HIPC) Initiative has been designed to bring the debt of such countries down to sustainable levels. However, funding for the Initiative should be additional to existing ODA, and any countries that receive debt relief should pursue sound economic policies and good governance so as to promote growth and reduce poverty.

21. Much has been said in recent times about good governance. The absence of good governance can have the effect of nullifying the potential value of assistance. Various ideas have been put forth by experts on how to attack this problem. One is to support, either within the institutions of developed countries or in the poor countries, medical and scientific research with proven benefits for the developing world, and another is to steer the aid directly towards service providers.

22. Corruption is a serious threat to the rule of law, the stability and security of societies. It jeopardizes the fair distribution of resources since it undermines fundamental democratic values and institutions and impedes social, economic and political development and the enjoyment of human rights. Links between corruption and other forms of crime, particularly organised crime, terrorism, drug trafficking, money laundering and other economic crimes at both national and international levels are very disturbing. Integrity, accountability and transparency of the political system and the civil service are a fundamental requirement for trust, credibility and authority of government in a modern and democratic society.



23. Many critics of the current system would like to see more grants instead of loans. A number of countries struggle to meet interest payments on loans, and the resulting debt burden can scare away private investment and force donors to grant debt relief. The issue of grants instead of loans poses a problem with regard to future financing for development, as the repayments on loans provide capital for further loans. An increased emphasis on grants would mean that industrialized countries would have to disburse more cash in future, but that may be the price of more realistic policies.

24. It is however important that funding for debt relief does not come at the expense of such assistance for low-income countries that do not face debt problems. Similarly, other middle-income countries that do not have debt problems should not have to indirectly pay for debt relief funding through higher borrowing costs to multilateral development banks.

25. In the Millennium Declaration, world leaders agreed to create an environment that supports development at both national and international levels. A central challenge in finance is how to construct an international financial system that will best serve development. A desirable system is one which is reasonably stable and allows any crises to be managed effectively and equitably.

26. The World Bank and the International Monetary Fund were established at the Bretton Woods Conference in 1944 with the objectives, respectively, of assisting with the reconstruction and development of members' territories, and providing countries with temporary financial assistance to ease balance of payments maladjustments. Neither institution has been spared criticism in recent times, both in the media and at street level. The World Bank is said to be reaching into ever more diverse areas and setting itself unrealistic goals, while the IMF is accused of enforcing structural adjustment policies that do not reflect the economic fundamentals of the countries concerned. Greater sensitivity to each country's internal situation has been called for. It is also argued that prevention is better than cure, and the IMF should do more to offset the danger of major balance of payments crises before they occur.

27. Both institutions argue that they have already done much to reform their policies. Such reforms are welcome and should be pursued vigorously, in particular the new Comprehensive Development Framework (CDF) concept, which gives greater importance to the social impact of development goals. It should also be pointed out that the major international creditor banks must exercise more responsibility by adopting lending policies that take account of countries' development goals.

28. Nobody will deny that there are important changes in the world economy that require new responses in terms of economic policy. The growing importance of information technology is having a profound and rapid impact on global productive and financial markets. Improved technology has ensured that finance and production are no longer constrained by time and space. It is argued that those economies that can establish efficient economic infrastructure in response to these changes will be more able to compete internationally than those that do not.

29. Finally, discussion of development financing would not be complete without reference to what has become known as the world's health deficit. The most commendable development efforts can be wiped out by the effects of poor health. Where the most devastating diseases are concerned, further discussion will be necessary among the pharmaceutical industry, governments of low-income countries, donors and international agencies to seek innovative drug-licensing arrangements that will ensure the availability of medicines at affordable rates.

### III. The Monterrey Consensus

#### The outcome of the Monterrey Conference

30. The outcome of the Monterrey Conference is presented under three headings: **A global response; Leading actions;** and **Staying engaged.**

31. **A global response:** The Heads of State and Government gathered in Monterrey agreed, as their first step, to mobilise financial resources and achieve the national and international economic conditions

needed to fulfil agreed development goals, including those contained in the Millennium Declaration to reduce poverty and improve social conditions. While the role of national policies and the primary responsibility of each country for its own economic and social development is emphasised, the Consensus recognises that domestic economies are now interwoven with the global economic system, and national development efforts need to be supported by an enabling international environment and - most importantly - a holistic approach to the challenge.

32. **Leading actions:** The Consensus organises its consideration of leading actions in the following sequence:

- (a) Mobilising domestic financial resources for development: this will be enhanced by promoting good governance, fighting corruption, pursuing sound macroeconomic policies, securing fiscal sustainability, social security and safety nets, strengthening the financial sector, and building greater capacity for the domestic economy.
- (b) Mobilising international resources for development: the Consensus suggests that a central challenge is to attract direct investment flows to a much larger number of developing and transition countries. To attract stable inflows of capital, countries need to continue their efforts to achieve a transparent, stable and predictable investment climate, embedded in sound macroeconomic policies and institutions that allow businesses, both domestic and international, to operate efficiently and profitably and with maximum development impact.
- (c) International trade as an engine for development: States reaffirm their commitment towards trade liberalisation and ensure that trade plays its full part in promoting economic growth, employment and development for all. Thus, they welcome the WTO's decision to place the needs of developing countries at the heart of its work programme. To benefit fully from trade, which, in many cases, is the single most important development source, developing and transition economy countries must establish appropriate institutions and policies. The Consensus acknowledges issues in international trade of particular concern to developing and transition countries, such as trade barriers, subsidies and other "trade-distorting" measures, particularly in agriculture, and the abuse of anti-dumping measures. To ensure that world trade supports development for all, the leaders will implement the commitments made in Doha to address the marginalisation of LDCs in international trade.
- (d) Increasing international financial and technical cooperation for development: the Consensus recognises that a substantial increase in ODA and other resources will be required if developing countries are to achieve internationally agreed development goals. Leaders will urge developed countries to make concrete efforts towards the target of 0.7% of GNP as ODA to developing countries and 0.15-0.2 % to LDCs.
- (e) External debt: the Consensus states that external debt relief can free up resources, which can then be directed towards development efforts. Therefore, debt-relief measures should be pursued vigorously and expeditiously, including within the Paris and London Clubs and other relevant fora. Speedy, effective and full implementation of the enhanced Heavily Indebted Poor Countries (HIPC) Initiative is critical.
- (f) Addressing systemic issues: Leaders recognise the urgent need to enhance coherence, governance and consistency of the international monetary, financial and trading systems. International efforts under way to reform the international financial architecture need to be sustained with greater transparency and the effective participation of developing and transition countries. The multilateral financial institutions, particularly the IMF, need to continue to give high priority to the identification and prevention of potential crises and to strengthen the underpinnings of international financial stability. In that regard, the Consensus stresses the need for the Fund to further strengthen its surveillance activities of all economies, with particular attention to short-term capital flows and their impact.

33. **Staying engaged:** Leaders commit themselves to keeping fully engaged to ensuring proper follow-up to the agreements and commitments reached at the Conference, and to continuing to build bridges between development, finance and trade organisations and initiatives. They call for a follow-up international conference to review the implementation of the Consensus, the modalities of which will be decided no later than 2005.

34. A more immediate, although indirect, follow-up to the Monterrey Summit will take place in Johannesburg with the World Summit on Sustainable Development. The Inter-Parliamentary Union has always stressed that globalisation has to work for sustainable development, and changes in trade and development policies should be assessed on the basis of their impact on sustainable development. It is hoped that the WSSD will provide an opportunity to address some of the issues that were not discussed in Monterrey.

#### What was not achieved

35. The negotiation of the draft text was particularly difficult for the section on trade. Language relating to the elimination of trade barriers of developed countries proved unacceptable to the latter, who argued that it contradicted the terms agreed upon at Doha, which referred to “reduction” of trade barriers. In the end, the G77 and China agreed to respect the Doha outcome and were reasonably satisfied with an expression of their concerns in the area of trade such as trade barriers and trade-distorting measures. The final document also made no reference to innovative forms of financing. Mechanisms such as the carbon tax or tax on short-term capital flows were not considered to meet with a sufficient consensus for inclusion in the Monterrey text. There was also no reference to Global Public Goods (GPGs) - benefits that spread across nations and which resist definition in simple economic terms, such as health, peace, environmental stability or widespread education.

36. The Conference failed to address the issue of governance of global institutions like the United Nations, the International Monetary Fund, the World Bank or the World Trade Organisation. Developing countries continue to feel marginalised and not adequately represented by these organisations. The IPU has a role to play in bridging this gap and lobbying for a more transparent, inclusive and fair international financial architecture.

#### **The IPU position**

37. In responding to the challenge of financing for development, the Inter-Parliamentary Union has committed itself to strengthening the parliamentary oversight process, ensuring legislative action, promoting inclusivity in the political process, initiating public awareness, strengthening public-private partnerships, encouraging debate on the financing of public goods and a tax on short-term capital flows (volatile capital flows) and encouraging the effectiveness of individual government administrations.

38. The Inter-Parliamentary Union has expressed its view on these and other issues in the form of Conference resolutions or declarations. (A list of such texts is annexed to this report). In these texts the IPU recognises the following principles of development finance:

- a global understanding and consensus on development as contained in the Millennium Declaration must take into account the national and local needs of people;
- global poverty is politically unsustainable and there is an increased need for financial resources;
- development must focus on the well being of people and the protection and proportion of the vulnerable in our society;
- developing countries must equitably share the benefits of globalisation with the developed countries.

39. The United Nations Secretary-General, in his 'road-map' report (A/56/326) emphasises, inter alia, the need to strengthen the UN through enhanced partnerships and specifically mentions the need to

deepen the relationship with parliaments, through their world organisation, the IPU. By extension, parliaments are invited to engage in a dialogue with their governments on these goals and on their timely implementation as part of the budgetary process for which they are responsible. As we suggest in this report, the Inter-Parliamentary Union should continue its close monitoring of the implementation of the Millennium Development Goals through debates among its members and by sharing their outcome with the United Nations with the aim of contributing to the periodic progress reports.

#### **IV. Conclusions**

##### Political assessment of the FfD issue from both a developing and developed country perspective

40. The International Conference on FfD in Monterrey was a major attempt by the international community to address the problems of financing for development after decades of debates between the developing and developed world on the issue and the express wish of the former to hold such a conference. The practical realisation of the outcome of the Conference should facilitate the implementation of the Millennium Declaration to halve poverty around the world by the year 2015. Thus, the Conference has raised hopes for billions of people in the world who are still living in extreme poverty. Moreover, the pledges made by the US and the EU to an increase in ODA at the Conference are a first step in the implementation of the Monterrey Consensus. From a historical perspective the Conference itself is evidence of progress on the issue of financing for development and the Consensus breaks new ground as it treats all areas of financing for development in a comprehensive manner.

41. However, success will be measured by serious implementation of the Consensus by all development partners. This requires strong political will by all Heads of State and Government. In all likelihood, progress on the area of trade barriers will likely be the most difficult to achieve.

42. Developing countries will benefit greatly from private sector participation in the prevention and management of debt problems. Debt relief under the HIPC initiative has to be implemented, however great the concerns that the initiative may impose burdens on other developing countries. As to the crucial question of the coherence of the international monetary, financial, and trading systems, the reform of the international financial system is a most important area by which developing countries will measure the success of the implementation of the Consensus.

43. More generally, the underlying problems in developing countries relating to infrastructure, health, education and law and order, must be addressed. Within the area of education, female education will have an especially strong impact on development. Stronger international cooperation to combat HIV/AIDS, tuberculosis and other infectious diseases could also make a huge difference, as present efforts are seriously under-funded. These and other goals are enshrined in the United Nations Millennium Declaration, which parliaments are called upon to endorse.

44. The Conference called for continued dialogue and a follow-up international conference to review progress on implementation. As we stated at the outset, the challenge is to transform this consensus into concrete action to achieve the goals of the Millennium Declaration. The Monterrey Consensus urges the United Nations Economic and Social Council, the World Bank, the International Monetary Fund and the World Trade Organization to take further the Monterrey discussions so as to guide the next finance for development conference. Developing countries must also collectively give content to the recommendations of the Monterrey Conference. Finally, the IPU is a perfect vehicle to take forward the recommendations of the Conference by encouraging constructive dialogue among Member Parliaments.

## ANNEX I

## The Millennium Development Goals and their targets at a glance

GOALS	TARGETS
1. Eradicate extreme poverty and hunger	<ul style="list-style-type: none"> <li>➤ Halve, between 1990 and 2015, the proportion of people whose income is less than US\$1 a day</li> <li>➤ Halve, between 1990 and 2015, the proportion of people who suffer from hunger</li> </ul>
2. Achieve universal primary education	<ul style="list-style-type: none"> <li>➤ Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling</li> </ul>
3. Promote gender equality and empower women	<ul style="list-style-type: none"> <li>➤ Eliminate gender disparity in primary and secondary education preferably by 2005 and to all levels of education no later than 2015</li> </ul>
4. Reduce child mortality	<ul style="list-style-type: none"> <li>➤ Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate</li> </ul>
5. Improve maternal health	<ul style="list-style-type: none"> <li>➤ Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio</li> </ul>
6. Combat HIV/AIDS, malaria and other diseases	<ul style="list-style-type: none"> <li>➤ Have halted by 2015, and begun to reverse, the spread of HIV/AIDS</li> <li>➤ Have halted by 2015, and begun to reverse, the incidence of malaria and other major diseases</li> </ul>
7. Ensure environmental sustainability	<ul style="list-style-type: none"> <li>➤ Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources</li> <li>➤ Halve, by 2015, the proportion of people without sustainable access to safe drinking water</li> <li>➤ By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers</li> </ul>
8. Develop a global partnership for development	<ul style="list-style-type: none"> <li>➤ Develop further an open, rule-based, predictable, non-discriminatory trading and financial system (<i>Includes a commitment to good governance, development, and poverty reduction – both nationally and internationally</i>)</li> <li>➤ Address the special needs of the Least Developed Countries (<i>Includes: tariff and quota free access for LDC exports: enhanced programme of debt relief for HIPC and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction</i>)</li> <li>➤ Address the special needs of landlocked countries and Small Island Developing States (<i>through Barbados Programme and 22<sup>nd</sup> General Assembly provisions</i>)</li> <li>➤ Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term</li> <li>➤ In cooperation with developing countries, develop and implement strategies for decent and productive work for youth</li> <li>➤ In cooperation with pharmaceutical companies, provide access to affordable, essential drugs in developing countries</li> <li>➤ In cooperation with the private sector, make available the benefits of new technologies, especially information and communication</li> </ul>

Source: Choices supplement, March 2002, UNDP, New York

## DOCUMENTATION

1. *The Role of Parliaments in Developing Public Policy in an Era of Globalisation, Multilateral Institutions and International Trade Agreements.* Resolution of the 107<sup>th</sup> Inter-Parliamentary Conference (Marrakech, 22 March 2002).
2. *Ten Years after Rio: Global Degradation of the Environment and Parliamentary Support for the Kyoto Protocol.* Resolution of the 107<sup>th</sup> Inter-Parliamentary Conference (Marrakech, 22 March 2002).
3. *For a Free, Just and Equitable Multilateral Trading System: Providing a Parliamentary Dimension.* Final Declaration adopted at a Parliamentary Meeting with the World Trade Organization (Geneva, 8-9 June 2001).
4. *Education and Culture as Essential Factors in Promoting the Participation of Men and Women in Political Life and as a Prerequisite for the Development of Peoples.* Resolution of the 105<sup>th</sup> Inter-Parliamentary Conference (Havana, 6 April 2001).
5. Report of the Committee on Sustainable Development adopted by the 168<sup>th</sup> session of the Inter-Parliamentary Council (Havana, 6 April 2001)
6. *Parliamentary Message to the Third United Nations Conference on the Least Developed Countries* (Brussels, May 2001)
7. *Financing for Development and a New Paradigm of Economic and Social Development Designed to Eradicate Poverty.* Resolution of the 104<sup>th</sup> Conference (Jakarta, 20 October 2000).
8. *Financing for Development.* Statement by the Committee for Sustainable Development endorsed by the Council of the Inter-Parliamentary Union at the 103<sup>rd</sup> Inter-Parliamentary Conference (Amman, April 2000).
9. *Final Declaration of the Parliamentary Meeting on the occasion of UNCTAD X* (Bangkok, 10-11 February 2000).
10. *The Need to Revise the Current Global Financial Economic Model.* Resolution of the 102<sup>nd</sup> Inter-Parliamentary Conference (Berlin, 15 October 1999).
11. *Writing Off the government Debt of Heavily Indebted Poor Countries.* Resolution of the 101<sup>st</sup> Inter-Parliamentary Conference (Brussels, 15 April 1999).
12. *Foreign Debt as a Factor Limiting the Integration of the Third World Countries into the Process of Globalization.* Resolution of the 99<sup>th</sup> Inter-Parliamentary Conference (Windhoek, 10 April 1998).
13. *Declaration on Declining Official Development Assistance and Financial Aid in General.* Adopted by the Inter-Parliamentary Council at its 162<sup>nd</sup> session (Windhoek, 11 April 1998).
14. *Employment in a Globalising World.* Resolution of the 98<sup>th</sup> Inter-Parliamentary Conference (Cairo, 15 September 1997).
15. *Measures Required to Change Consumption and Production Patterns with a View to Sustainable Development.* Declaration of the 97<sup>th</sup> Inter-Parliamentary Conference (Seoul, 14 April 1997).
16. *Policies and Strategies to Ensure the Right to Food in This time of Globalization of the Economy and Trade Liberalization.* Resolution of the 96<sup>th</sup> Inter-Parliamentary Conference (Beijing, 20 September 1996).
17. *The Follow-Up to Rio: Financing and Transfer of Technology.* Declaration of the 158<sup>th</sup> session of the Inter-Parliamentary Council (Istanbul, 20 April 1996).

18. *International Co-operation and National Action to Support Social and Economic Development and Efforts to Combat Poverty. Contribution of parliaments to the World Summit for Social Development.* Resolution of the 92<sup>nd</sup> Inter-Parliamentary Conference (Copenhagen, September 1994).

19. *Need for a Radical Solution to the Problem of Debt in the Developing World.* Resolution of the 88<sup>th</sup> Inter-Parliamentary Conference (Stockholm, 12 September 1992).

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## FINANCING FOR DEVELOPMENT

### *Resolution adopted by consensus by the Special Session of the Council (Geneva, 27 September 2002)*

The Council of the Inter-Parliamentary Union,

Meeting in special session in Geneva from 25 to 27 September 2002,

*Having debated* the Report on Financing for Development drafted by its three co-rapporteurs,

*Having considered* the above report more particularly in the light of its implications for parliamentary follow-up to the United Nations Conference on Financing for Development held in Monterrey, Mexico, in March 2002,

*Referring* to the Declaration on the Right to Development adopted by United Nations General Assembly resolution 41/128 of 4 December 1986 which provides in Article 3 paragraph 3 that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

1. *Thanks* the three co-rapporteurs for their report;
2. *Urges* IPU Member parliaments to follow up the Financing for Development process and help make it more effective by:
  - (a) Strengthening the role of parliaments in ensuring the follow-up to the Monterrey Consensus by monitoring the implementation of government commitments in the area of development financing, scrutinising their outcome and suggesting appropriate measures where necessary, and, more specifically, the allocation of greater resources from national budgets to poverty eradication programmes and broad social policy;
  - (b) Examining the possibility of either establishing or reinforcing mechanisms which enable parliamentarians to monitor the work of the multilateral financing institutions;
  - (c) Providing for a national legislative framework to promote and protect direct foreign investment and other private financial flows;
  - (d) Ensuring that legislative actions in the area of financing for development are the result of national consensus and public participation in decision making, thereby helping to strengthen governance and democracy and respect for human rights;
  - (e) Expediting legislative processes necessary for the reform of the financial sector, in a manner consistent with national development goals and priorities;
  - (f) Making sure that the gender perspective occupies a central place in development policies, including through legislation to remove obstacles for women to engage in economic activities and promote economic justice between the sexes within the family;
  - (g) Adopting special measures to ensure that the most vulnerable in society are included in the political process with the aim, inter alia, of eradicating poverty;
  - (h) Enacting legislation that will strengthen the productive capacity of the grassroots economy such as village funds and SMEs, including through effectively managed micro financing;



- (i) Fostering private foreign investment to help to bridge the digital gap in developing countries and countries in transition;
  - (j) Enacting legislation to extend debt relief for recipient countries which strive for good governance, while giving due consideration to their self-help efforts;
  - (k) Ensuring that their governments strive to allocate 0.7% of their GNP to official development assistance, in accordance with the internationally agreed target, and that they abide by their financial commitments under the HIPC (Heavily Indebted Poor Countries) Initiative;
  - (l) Overseeing the efficient and targeted use of ODA by taking full account of the ideal of human-centred development, from the perspective of "human security", supporting the establishment of democratic systems and good governance, assisting in democracy building, making further efforts to secure transparency in ODA, and, in donor countries, promoting national initiatives to increase public awareness of and political support for ODA;
  - (m) Ensuring that private capital and investment flows, which are of the utmost importance for the developing countries, not least the LDCs, are actively promoted by developed countries, and that such investments are treated on an equal basis;
  - (n) Helping create and maintain innovative development partnerships between private and public entities;
  - (o) Enacting legislation that would promote free and fair trade, afford greater market access to developing countries, and encourage the reduction of subsidies and financial support policies, as well as the elimination of other trade-distorting measures, particularly in agriculture, in order to achieve a just and equitable international trading system;
  - (p) Helping determine, with appropriate parliamentary debates and national consultations of constituent groups, the definition of global public goods and the way to finance them;
  - (q) Adopting measures to help eliminate corruption in all its forms and manifestations from politics and public administration and from economically powerful entities, and to combat the abuse of power;
  - (r) Encouraging their respective governments to work in closer partnership with the United Nations, the Bretton Woods institutions and the WTO to accelerate the Financing for Development process;
  - (s) Helping to support innovative development initiatives at the regional level, such as the New Partnership for Africa's Development (NEPAD);
  - (t) Encouraging technical assistance in order to upgrade national capacities in developing countries and countries in transition entitled to financing for development;
  - (u) Ensuring coherent development policy internally and greater coordination among the relevant national actors;
  - (v) Urging financial institutions and other sponsors, in the interest of assisting countries emerging from periods of conflict, to revise their mechanisms for disbursing pledged funds and ease the conditions which, in the final analysis, block access to these funds;
3. *Entrusts* the Inter-Parliamentary Union to promote and facilitate the Financing for Development process by:

- (a) Strengthening cooperation and coordination among its Members in the implementation of the Monterrey Consensus;
  - (b) Creating public awareness among its Members of the Financing for Development process so that they can encourage the implementation of the Monterrey Consensus by their respective governments, paying particular attention to the development aspect of the multilateral trade and financial systems;
  - (c) Encouraging continued and intensified cooperation between the IPU and the United Nations, the Bretton Woods institutions and the WTO in order to provide those institutions with a parliamentary dimension and thus create a more participatory and inclusive multilateral system;
  - (d) Promoting the adoption of rules on upholding the general principles of law and human rights which can be applied globally;
  - (e) Intensifying its cooperation with related institutions and its Members to facilitate the empowerment of parliaments, particularly those in developing countries, so as to enable them to cope better with increasing responsibilities;
4. *Endorses* internationally accepted development goals, including those contained in the Millennium Declaration, and *calls on* parliaments in all countries to take them into account when debating economic, development and trade policies;
  5. *Resolves* to monitor follow-up to the present resolution and *calls on* the rapporteurs to prepare a report to be submitted to the IPU at a future meeting.
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## Reports, Decisions and Resolutions of the IPU Council

### Results of roll-call vote on the request of the delegation of Switzerland for the inclusion of a supplementary item in the agenda of the 171<sup>st</sup> session of the IPU Council

#### Results

Affirmative votes .....	64	Total of affirmative and negative votes...	164
Negative votes .....	100	Simple majority .....	82
Abstentions.....	23		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria			2	Ghana		2		Norway		2	
Andorra	2			Greece	1			Panama	<i>absent</i>		
Angola		2		Guatemala		2		Peru	1		
Argentina	2			Guinea-Bissau	2			Philippines		2	
Armenia		2		Hungary		2		Poland		1	
Australia		2		Iceland		2		Portugal	2		
Austria	<i>absent</i>			India		2		Republic of Korea		2	
Azerbaijan		2		Indonesia		2		Romania		2	
Bangladesh			2	Iran (Islamic Republic of)	2			Russian Federation		1	
Belarus			2	Iraq			2	Rwanda	<i>absent</i>		
Belgium	2			Ireland		2		Samoa		1	
Benin	1			Israel		2		San Marino	<i>absent</i>		
Bolivia	2			Italy		2		Sao Tome and Principe	2		
Botswana		2		Japan		2		Senegal	<i>absent</i>		
Brazil		2		Jordan		2		Slovakia			1
Bulgaria		2		Kazakhstan	<i>absent</i>			Slovenia	2		
Burkina Faso			2	Kenya		2		South Africa		2	
Burundi	1			Kuwait	1			Spain		1	
Cambodia	2			Lao People's Dem. Republic	<i>absent</i>			Sri Lanka			2
Cameroon		2		Latvia		2		Sudan	2		
Canada	2			Lebanon	<i>absent</i>			Suriname	2		
Chile	2			Libyan Arab Jamahiriya		2		Sweden		2	
China		2		Liechtenstein	1			Switzerland	2		
Colombia	<i>absent</i>			Lithuania			1	Syrian Arab Rep.	2		
Congo		2		Luxembourg	1			Thailand		2	
Costa Rica		2		Malaysia	2			The FYR of Macedonia	1		
Côte d'Ivoire		1		Malta		2		Togo	1		
Croatia	1			Mauritius		1		Tunisia		1	
Cuba	2			Mexico	2			Turkey			1
Cyprus	2			Monaco	1	1		Uganda		2	
Czech Republic		1		Mongolia		2		Ukraine			2
Denmark	2			Morocco		2		United Kingdom		1	
Djibouti	<i>absent</i>			Mozambique	2			United Republic of Tanzania		1	
Ecuador	<i>absent</i>			Namibia		2		Uruguay	2		
Egypt			2	Nepal			2	Venezuela	1		
El Salvador	<i>absent</i>			Netherlands	1			Viet Nam		2	
Estonia		1		New Zealand		1		Yemen		2	
Ethiopia			2	Nicaragua	<i>absent</i>			Yugoslavia	2		
Finland	1	1		Nigeria	2			Zambia		2	
France		2									
Gabon		2									
Germany		2									

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

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

*Report adopted by the Council at its 170<sup>th</sup> session  
and reproduced below for information*

*(Marrakech, 23 March 2002)*

*The present report summarizes the background to IPU's request for observer status in the UN General Assembly. It makes suggestions relevant to the exercise of observer status, particularly as concerns to content and form of IPU's contribution to the General Assembly and who is competent to take the floor on behalf of the IPU. The report also provides additional detail regarding the financial implications for the IPU of having its official documents circulated at the UN. Finally, the report proposes a text for this year's UNGA resolution on cooperation between the UN and the IPU.*

### Background

1. The IPU Statutes define the nature, purpose and composition of the organization, its organs and its working methods. They state that the IPU shares the objectives of the United Nations, supports its efforts and works in close cooperation with it.
2. In 1996, the United Nations and the IPU signed a cooperation agreement with the prior approval of the IPU Council. In the agreement, the IPU recognizes the responsibilities of the United Nations under the Charter and undertakes to continue to support its activities in accordance with the purposes and principles of the Charter.
3. In 2000, the IPU organized a conference of Presiding Officers of National Parliaments at UN Headquarters. In the final declaration, which had previously been endorsed by the IPU Council, the participants called on parliaments and the IPU to provide a parliamentary dimension to international cooperation. They declared their support for the IPU and asked that it be consolidated as the world organization for inter-parliamentary cooperation and for relaying the vision and will of its members to intergovernmental organizations.
4. These sentiments were echoed by the heads of State and government in the Millennium Declaration in which they resolved to strengthen cooperation between the UN and national parliaments, through the IPU.
5. In order to facilitate closer cooperation between the two organizations, the UN General Assembly requested the Secretary-General, in consultation with member States and the IPU, to explore ways in which a new and strengthened relationship could be established between the IPU, the General Assembly and its subsidiary organs.
6. As part of these consultations, the IPU Council adopted a report in which it made suggestions on how the organization could play a role in strengthening cooperation between the UN and national parliaments.<sup>6</sup> The UN Secretary-General expressed agreement with IPU's proposals in his report to the General Assembly.<sup>7</sup>

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<sup>6</sup> IPU doc. CL/168/8(a)-R.1.rev. of 6 April 2001.

<sup>7</sup> UN doc. A/55/996 of 26 June 2001.

The content of IPU's contribution

7. In its recommendations to the UN, the IPU Council suggested that the IPU could “channel to the United Nations the views of the people, in all their diversity, as expressed in parliamentary debates and discussions at the IPU.” The IPU Statutes provide that it is the Inter-Parliamentary Conference that formulates the views of the organization; the “Conference debates issues which, under the terms of Article 1 of the Statutes, fall within the scope of the Union, and makes recommendations expressing the views of the organisation on these questions.”<sup>8</sup>

8. Observer status at the General Assembly would provide a means of channelling the views of the organization to the United Nations. It would confer the right to a representative of the IPU to take the floor in the regular and special sessions of the Assembly itself, in its Main Committees, in the myriad of subsidiary organs that exist throughout the United Nations system and in the international conferences organized by the United Nations. Exercising the right to take the floor would be subject to agreement by the Chair.

9. The Representative of the IPU in his or her oral statement would need to reflect the views of the organization as expressed at IPU meetings; in other words, the recommendations developed by the participants in the relevant IPU Conferences.

IPU's participation in debates at the UN

10. As a guiding principle, only a member of parliament should express the views of a parliamentary organization and should have received a prior mandate from the IPU for this purpose. In the past and depending on the circumstances in any particular instance, this person was either the President of the Council, the Vice-President or other member of the Executive Committee, a Speaker of Parliament of a country hosting a UN Conference or a member of an IPU Committee that had a mandate that was relevant to the debate that took place. This practice should continue.

11. The Council will normally provide the mandate for an IPU representative to express the views of the Organisation at the United Nations. Between sessions of the Council, such a mandate can be conferred by the Executive Committee. If no parliamentarian is available, the President of the Council may authorize the Secretary General or his or her representative to speak on behalf of the IPU.

12. All arrangements for IPU representatives to participate in debates at the UN should be made by or through the IPU Liaison Office in New York.

13. The Secretary General of the IPU has a statutory duty to “maintain the liaison between the Union and other international organisations and, in general, its representation at international conferences.” In order to carry out this function, the Secretary General or his or her representative should continue to take the floor at preparatory, organizational, technical or similar United Nations meetings and in similar meetings of committees set up by the Assembly to follow up on international conferences. In addition, the Secretary General may present reports to subsidiary bodies of the United Nations General Assembly on activities of the IPU.

Circulation of official IPU documents

14. The IPU Council also recommended that the IPU be granted the right to circulate its official documents<sup>9</sup> at the United Nations and the UN Secretary-General suggested that the General Assembly take a decision on this matter as well. In the negotiations undertaken last year with Member States, the IPU suggested that this could be done at no extra cost to the United Nations by having the IPU reimburse the UN for any costs relating to circulation of documents in the General Assembly.

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<sup>8</sup> The Inter-Parliamentary Council is the policy-making body of the Union; it determines and guides the activities of the Union and controls their implementation in conformity with the purposes defined in the Statutes.

<sup>9</sup> Resolutions adopted by IPU meetings should moreover be circulated, together with a table detailing the results of any votes to which they may have given rise.

15. In order to circulate documents at the United Nations, they would have to be translated into the six official languages at the UN (Arabic, Chinese, English, French, Russian and Spanish). The annual cost to the IPU could be estimated at SF 35,000.<sup>10</sup>

16. Resolutions adopted by IPU meetings should be circulated together with a table detailing the results of any votes to which they may have given rise.

This year's UNGA resolution on cooperation with the IPU

17. In December last year the General Assembly decided to defer further consideration and any ultimate decision on the request for observer status for the IPU to its fifty-seventh session. The Council has drawn up a draft resolution based on the text it had approved in Ouagadougou and modified to reflect the decision of the UNGA in December last year.

18. The Council calls on all members of the IPU to approach their respective Ministry of Foreign Affairs with a view to enlisting the support of the Permanent Representative of their country in New York. The draft resolution will be formally submitted to the UNGA as soon as its 57<sup>th</sup> session commences in September this year. It is expected that the draft resolution will first be considered by the UNGA Sixth Committee before being referred to the plenary for adoption. The Council strongly encourages members of the IPU to take urgent and effective action in support of the strategy outlined above.

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

### *Draft United Nations General Assembly resolution proposed by the Council of the Inter-Parliamentary Union (Geneva, 27 September 2002)*

The General Assembly,

*Recalling* its resolution 56/46 of 7 December 2001 which welcomed the ongoing efforts to explore ways in which a new and strengthened relationship may be established between the General Assembly and its subsidiary organs on the one hand and the Inter-Parliamentary Union on the other, and encouraged Member States to continue their consultations with a view to adopting a decision thereon during the fifty-seventh session of the Assembly,

*Having considered* the report of the Secretary-General (A/57/...) which takes stock of cooperation between the two organizations over the last twelve months,

*Having also considered* the report of the Secretary-General of 26 June 2001<sup>11</sup> in which, after consultations with Member States and IPU, he recommended that the General Assembly consider:

- (a) Granting IPU a standing invitation to participate, as appropriate, in the sessions and work of the General Assembly, its subsidiary organs and international conferences convened under the auspices of the United Nations,
- (b) Deciding to allow for the circulation of the documents of IPU in the Assembly, and
- (c) Inviting the specialized agencies of the United Nations to adopt similar modalities for cooperation with IPU,

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<sup>10</sup> This calculation is based on a volume of roughly 25 pages per year at US\$ 800 (US\$ 480 for translation, US\$ 170 for text processing, and US\$ 150 for reproduction and circulation).

<sup>11</sup> *Cooperation between the United Nations and the Inter-Parliamentary Union* (A/55/996) (Paragraph 13 (a), (b) and (c))

*Taking into consideration* the cooperation agreement between the United Nations and the Inter-Parliamentary Union of 1996, which provides the foundation for current cooperation between the two organizations,

*Recalling* the unique inter-state character of the Inter-Parliamentary Union,

1. *Welcomes* the efforts made by the Inter-Parliamentary Union to provide for a greater parliamentary contribution and enhanced support to the United Nations;
  2. *Decides* to invite the IPU to participate in the sessions and the work of the General Assembly in the capacity of observer;
  3. *Further decides* to allow for the circulation of official documents of IPU in the Assembly on the understanding that no financial implications result for the United Nations;
  4. *Invites* the specialized agencies of the United Nations to adopt similar modalities for cooperation with IPU;
  5. *Requests* the Secretary-General to take the necessary action to implement the present resolution and to submit a report to the General Assembly at its fifty-eighth session on the various aspects of cooperation between the United Nations and the Inter-Parliamentary Union;
  6. *Calls on* the Secretary General to take steps to ensure the full implementation of measures aimed at strengthening the relationship between the United Nations and the Inter-Parliamentary Union.
  7. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Cooperation between the United Nations and the Inter-Parliamentary Union".
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**BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2003**

*Budget approved by the Council at its 171<sup>st</sup> session  
(Geneva, 27 September 2002)*

**Spending estimates by object of expenditure**

<b>EXPENDITURE ITEM</b>	<b>2001 ACTUAL</b>	<b>2002 APPROVED</b>	<b>2003 APPROVED</b>
Regular Staff Salaries	4'002'567	4'137'700	4'007'700
Benefits	1'719'280	1'852'600	1'854'400
Staff Overheads	120'398	60'000	75'900
Overtime payments	48'738	25'000	38'500
Temporary and Contract Employees	1'232'987	807'400	1'069'500
Purchased Services	94'733	25'000	160'100
Honorariums	30'000	30'000	30'000
Rent	193'061	193'800	82'700
Utilities	26'287	34'000	57'000
Building Maintenance	12'479	14'000	24'700
Cleaning Services and Supplies	0	0	61'000
Insurance	12'239	14'050	15'200
Equipment purchases	27'050	8'600	5'000
Equipment maintenance and repair	2'099	10'000	500
Equipment rental/leasing	129'779	140'000	138'000
Equipment insurance	5'776	7'000	6'000
Office vehicles	4'452	5'000	2'000
Stationery	51'728	64'000	63'000
Miscellaneous office supplies	29'153	52'650	44'200
Sundry expenses	77'609	215'600	35'000
Telephone/Telefax	89'149	93'100	67'700
Postage	130'788	180'000	138'500
Courier services	11'543	10'000	17'000
Freight	76'459	35'000	45'000
Internet connectivity	9'955	18'000	51'500
On-line databases	48'800	96'000	213'000
Computer software/supplies/service	92'529	49'000	54'800
Computer hardware/maintenance	142'015	40'000	40'000
Duty travel - transportation	656'529	413'150	440'200
Duty travel - allowances	73'360	40'000	143'900
Duty travel - incidentals	2'632	10'000	13'000
Official hospitality	44'834	31'300	60'800
Information Activities	9'939	6'750	17'500
Publishing	74'989	79'000	108'000
Books	6'049	5'000	5'000
Periodicals	19'842	10'000	10'000
Amortization - Buildings	0	0	262'000
Financial charges	6'961	7'000	8'000
ASGP	116'000	100'000	100'000
Transfers to reserves	92'000	56'300	166'300
<b>TOTAL EXPENSES</b>	<b>9'524'786</b>	<b>8'970'000</b>	<b>9'732'600</b>
<b>RECOVERIES</b>	<b>-165'917</b>	<b>-80'000</b>	<b>-265'000</b>
<b>NET COST</b>	<b>9'358'869</b>	<b>8'890'000</b>	<b>9'467'600</b>



**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2003**

*Table approved by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)*

Members and Associate Members	Percentage	Amount of the contribution for 2003 (Swiss Francs)
Albania	0.20	21'391
Algeria	0.33	35'295
Andorra	0.20	21'391
Angola	0.20	21'391
Argentina	0.69	73'798
Armenia	0.26	27'808
Australia	1.50	160'431
Austria	0.84	89'842
Azerbaijan	0.35	37'434
Bangladesh	0.20	21'391
Belarus	0.48	51'338
Belgium	1.11	118'719
Benin	0.20	21'391
Bolivia	0.20	21'391
Bosnia and Herzegovina	0.23	24'599
Botswana	0.20	21'391
Brazil	1.57	167'918
Bulgaria	0.30	32'086
Burkina Faso	0.20	21'391
Burundi	0.20	21'391
Cambodia	0.20	21'391
Cameroon	0.20	21'391
Canada	2.89	309'098
Cape Verde	0.20	21'391
Central African Republic	0.20	21'391
Chile	0.26	27'808
China	0.86	91'981
Colombia	0.30	32'086
Congo	0.20	21'391
Costa Rica	0.20	21'391
Côte d'Ivoire	0.20	21'391
Croatia	0.29	31'017
Cuba	0.27	28'878
Cyprus	0.21	22'460
Czech Republic	0.50	53'477

<b>Members and Associate Members</b>	<b>Percentage</b>	<b>Amount of the contribution for 2003 (Swiss Francs)</b>
Democratic PR of Korea	0.23	24'599
Denmark	0.75	80'216
Djibouti	0.20	21'391
Ecuador	0.22	23'530
Egypt	0.25	26'739
El Salvador	0.20	21'391
Estonia	0.25	26'739
Ethiopia	0.20	21'391
Fiji	0.20	21'391
Finland	0.69	73'798
France	5.39	576'484
Gabon	0.20	21'391
Georgia	-	-
Germany	7.93	848'147
Ghana	0.20	21'391
Greece	0.49	52'408
Guatemala	0.21	22'460
Guinea	0.20	21'391
Guinea-Bissau	0.20	21'391
Hungary	0.35	37'434
Iceland	0.22	23'530
India	0.50	53'477
Indonesia	0.33	35'295
Iran (Islamic Republic of)	0.86	91'981
Iraq	0.30	32'086
Ireland	0.35	37'434
Israel	0.39	41'712
Italy	3.91	418'191
Japan	10.55	1'128'362
Jordan	0.20	21'391
Kazakhstan	0.45	48'129
Kenya	0.20	21'391
Kuwait	0.41	43'851
Kyrgyzstan	0.22	23'530
Lao People's Democratic Republic	0.20	21'391
Latvia	0.28	29'947
Lebanon	0.20	21'391
Liberia	0.20	21'391
Libyan Arab Jamahiriya	0.40	42'782
Liechtenstein	0.20	21'391
Lithuania	0.30	32'086

<b>Members and Associate Members</b>	<b>Percentage</b>	<b>Amount of the contribution for 2003 (Swiss Francs)</b>
Luxembourg	0.24	25'669
Malawi	-	-
Malaysia	0.30	32'086
Mali	0.20	21'391
Malta	0.20	21'391
Marshall Islands	-	-
Mauritania	0.20	21'391
Mauritius	0.20	21'391
Mexico	0.95	101'607
Monaco	0.20	21'391
Mongolia	0.20	21'391
Morocco	0.22	23'530
Mozambique	0.20	21'391
Namibia	0.20	21'391
Nepal	0.20	21'391
Netherlands	1.49	159'362
New Zealand	0.40	42'782
Nicaragua	0.20	21'391
Niger	0.20	21'391
Nigeria	0.30	32'086
Norway	0.67	71'659
Panama	0.20	21'391
Papua New Guinea	0.20	21'391
Paraguay	-	-
Peru	0.24	25'669
Philippines	0.25	26'739
Poland	0.60	64'173
Portugal	0.36	38'504
Republic of Korea	0.79	84'494
Republic of Moldova	0.30	32'086
Romania	0.34	36'364
Russian Federation	5.50	588'249
Rwanda	0.20	21'391
Samoa	0.20	21'391
San Marino	0.20	21'391
Sao Tome & Principe	0.20	21'391
Senegal	0.20	21'391
Singapore	0.30	32'086
Slovakia	0.28	29'947
Slovenia	0.27	28'878
South Africa	0.54	57'755

<b>Members and Associate Members</b>	<b>Percentage</b>	<b>Amount of the contribution for 2003 (Swiss Francs)</b>
Spain	1.91	204'283
Sri Lanka	0.20	21'391
Sudan	0.20	21'391
Suriname	0.20	21'391
Sweden	1.15	122'997
Switzerland	1.20	128'345
Syrian Arab Republic	0.23	24'599
Tajikistan	0.21	22'460
Thailand	0.29	31'017
The FYR of Macedonia	0.20	21'391
Togo	0.20	21'391
Tunisia	0.22	23'530
Turkey	0.43	45'990
Uganda	0.20	21'391
Ukraine	0.60	64'173
United Arab Emirates	0.37	39'573
United Kingdom	4.54	485'572
United Republic of Tanzania	0.20	21'391
United States of America	-	-
Uruguay	0.23	24'599
Uzbekistan	0.37	39'573
Venezuela	0.62	66'312
Viet Nam	0.20	21'391
Yemen	0.20	21'391
Yugoslavia	0.33	35'295
Zambia	0.20	21'391
Zimbabwe	0.20	21'391
Andean Parliament	0.02	2'139
Central American Parliament	0.01	1'070
European Parliament	0.10	10'695
Latin American Parliament	0.02	2'139
Parliamentary Assembly of the Council of Europe	0.06	6'425
<b>TOTAL 2003</b>	<b>88.52</b>	<b>9'467'600</b>

**PARLIAMENTARY FORUM ON CHILDREN ON THE OCCASION OF THE SPECIAL SESSION OF  
THE UNITED NATIONS GENERAL ASSEMBLY ON CHILDREN  
New York, 9 May 2002**

**Summary of the debate**

**KEY ISSUES DISCUSSED**

Basing themselves on the panellists' interventions, participants focused their debate on:

- The use of child rights standards as a litmus test for legislative activity
- The need to develop an analysis of the national budget in terms of its impact on children ("child impact analysis") and to ensure appropriate budgetary allocations for children and their optimal implementation.

The main thrust of the discussion can be broken down and summarized as follows:

**A. LEGISLATIVE MEASURES TO BUILD A NURTURING ENVIRONMENT FOR CHILDREN OF ALL AGES**

(i) In order to include a child rights perspective in parliament's legislative work and action, child rights standards should be a litmus test for legislative activity.

(ii) Children's rights should be enshrined in the constitution or other fundamental law of the nation.

(iii) Legislation in all fields should take the best interests of the child as its underlying philosophy. The law should ensure basic services for each and every child. The main policy issues touched upon were: child labour, income support, abortion, the compulsory age of education, adoption, health. Land reform, in developing countries where the agricultural sector is dominant was also mentioned to raise household income, thus improving the well being of children in those countries.

(iv) Under the question of war and child abuse, tough legislation to protect children was recommended. Protection should be afforded to children in armed conflicts and the *Optional Protocol on the involvement of children in armed conflict* should be ratified universally. Parliaments should also ensure that the appropriate authorities conduct thorough investigations of allegations of abuse and other human rights violations involving children, particularly in refugee camps. Furthermore, at the regional level, parliaments should cooperate to help resolve the refugee problems that such conflicts invariably cause. Under the specific heading of abuse, universal ratification of the *Optional Protocol on the sale of children, child prostitution, and child pornography* was also called for. Finally, the insidious violence that is done to children by war-games and toys that instil disrespect for human life was also stressed.

**B. DEVELOPING A "CHILD RIGHTS" BUDGET**

(i) Since budgetary allocations can be directly or indirectly related to children, a "child impact analysis" should be made for the entire budget, prior to budgetary allocation stage.

(ii) When planning the national budget, it is important to do as much as possible to address the needs of the nation's children while also aiming to fulfil, within the agreed deadlines, the various commitments that the country has subscribed to internationally (i.e. full enrolment in primary education and reduced child poverty, mortality and malnutrition levels).

(iii) A holistic approach to budgeting for children was recommended. The need to ensure that children's rights are taken into account in all budgetary allocations, whether directly aimed at children or not, was stressed. For instance, it was noted that poverty eradication in the developing countries must start with

economic and social measures that focus on children as the foundation of our society. Furthermore, the creation of specific budget lines for children was also recommended. Indeed, government spending on children should not always be subsumed under other general categories. This would help in identifying children's needs, establishing priorities, and measuring results.

(iv) One important principle that should be followed in establishing allocations is that certain items, for example, education and school nutrition programmes, must always be budgeted together so as to maximize the benefit of the investments.

(v) The need for pro-child tax reforms as one important aspect of the budget-making process was also discussed. The revenue side of the budget is as important in the mobilization of resources for children as the expenditure side.

(vi) The budget-making process should take geographic disparities into account: underserved areas must be properly identified so that nation-wide programs apply equitably and fairly. Particular attention should be paid to children whose needs are most desperate.

(vii) Noting that today's children are tomorrow's workers, parents, and decision-makers, MPs stated that the best investment a country can make through its budget is on children, and particularly on their education and health. In that connection, several participants stressed the importance of funding for HIV/AIDS prevention and treatment for youth, along with funding for sexual education.

#### **C. INTERNATIONAL COOPERATION IN THE BEST INTERESTS OF THE CHILD**

(i) The debt incurred by many developing countries was stressed as a key obstacle to the realization of children's rights because it diverts resources away from real needs. Debt relief and forgiveness must be targeted to children directly, with a large percentage of the money going to reduce child poverty, establish child nutrition programs, conduct HIV/AIDS education and prevention programs, and guarantee that a nation will not use children as soldiers.

(ii) Resource transfer from developed to developing countries with a specific focus on child programmes was discussed and recommended.

(iii) The institution of an international exchange system for foodstuffs to complement current financial transfers from donor countries was also discussed. Instead of destroying surplus agricultural production to control prices, excess production in the rich countries should be devolved to supply food to undernourished children and their families, especially in Africa.

(iv) The effect of international sanctions and embargos that directly or indirectly deprive children of their rights was discussed. It was recommended that such sanctions be lifted and that parliamentary action in that field be strengthened.

#### **D. IMPLEMENTATION OF LEGISLATION FOR CHILDREN**

(i) In order to facilitate the implementation of legislation, the overall efficiency of the institutional framework must be improved. For institutions to function properly and provide the required services and protection for children, they must be freed of all corruption in the form of undue interference, influence peddling, and administrative wrongdoing. Corruption often results in the diversion of funds away from children and other social priorities.

(ii) Sensitization of society as a whole to the child rights perspective must be increased in order to develop grass root support and ensure respect for such laws. A top priority is to help change the view of children as mere beneficiaries to viewing them as active members of the community who can contribute to the amelioration of their own situation and of society at large. Parliamentarians, as decision-makers community leaders and advocates, have a key role to play in that regard.

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## RECOMMENDED ACTIONS

In addition to the above points, participants expressed their support for the following actions, which parliaments and their members can undertake:

- (i) Instituting a parliamentary committee to report on the implementation and overall impact of budgetary measures for children, as well as on other legislative measures. As part of its working procedure, it is suggested that such committees hold hearings of children's organizations and other relevant bodies.
- (ii) Setting up, with adequate funding, a public advocate or ombudsman's office that would report to parliament and whose functions would be to inquire on gross violations of children's rights, either at the institutional or individual level. The office would report on such violations on an annual basis in order to provide an objective view on the situation of children and on required changes in legislation or administrative practices.
- (iii) Holding an annual parliamentary debate to assess the situation of children, identify legislative gaps, and chart the required course of action. Such a debate would aim at building a political consensus on the fulfilment of child rights and on how to structure the legislative agenda to reach that goal.
- (iv) Creating children's parliaments (where not yet established) to encourage youth to fully participate in the realization of societal changes guided by the norms of the *Convention on the Rights of the Child*.
- (v) Holding of public debates on child rights by members of parliament in their constituencies. Grass roots support is important for MPs when advocating the integration of child rights in lawmaking in general, and at every step of budgetary decision-making in particular.

In addition, specific recommendations were directed at IPU itself, as the world organization of parliaments:

- (i) Encourage ratification by all States of the *Convention on the Rights of the Child* and of its two Optional Protocols, namely, the *Optional Protocol on the involvement of children in armed conflict* and the *Optional Protocol on the sale of children, child prostitution, and child pornography*
- (ii) Set up a sub-committee on children to monitor worldwide parliamentary action and progress on children.
- (iii) Hold regular debates on children's issues and ensure that all parliamentary debates within the IPU include a "child rights" perspective.
- (iv) Develop tools for parliaments to facilitate their action for children and promote the exchange of experiences and practices among them.

## CONCLUSION

Participants voiced their appreciation to the two organizing bodies and expressed the hope that the meeting would open the way to more joint IPU-UNICEF initiatives and projects in the future. They pledged to continue the discussion initiated at this meeting within their national parliaments.

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**REGIONAL SEMINAR FOR PARLIAMENTS OF THE ASEAN+3 REGION  
ON "PARLIAMENT AND THE BUDGETARY PROCESS, INCLUDING  
FROM A GENDER PERSPECTIVE"  
Manila, 23-25 July 2002**

**Summary of the proceedings: Issues and Guidelines**

Hereinafter are some of the major issues that emerged from the discussions as well as points of consensus on the budget and the involvement of parliament, including from a gender perspective.

**THE NATIONAL BUDGET**

***Definitions***

- The national budget is the most important political statement that any government has to make. Far from being a mere compilation of income and expenditure, it is the blueprint for a nation's socio-economic policies for each fiscal year.
- It defines, in the most concrete terms, the direction of national policy, the plan of action, and the cost implications of government programmes and projects during the fiscal year and identifies the resources required to implement them.
- The national budget is thus the fundamental indicator of what government is doing and what objectives it is pursuing.
- Beyond the numbers lie the real essence of budgets: a plan, and a concrete programme of action, determining the activities that governments will spend funds on in the pursuit of development goals; which sectors of the economy will be expected to pay for said activities; how government will respond to economic disturbances in the short term; and who will be the direct and indirect beneficiaries of public services.

***Functions of the budget***

- National budgets fulfil critical functions in a country's development and progress.
- These functions include:
  - The allocation of resources: (public goods and services by government) to priority sectors;
  - the distribution of wealth and incomes (reducing inequalities between and within households and socio-economic groups);
  - the stabilisation of the economy (achieving growth rates; reducing fiscal deficits, stabilising prices: i.e. aiming to fulfil macro economic targets).In fulfilling these functions, a budget can affect women and men, girls and boys differently.
- The economic stabilisation of the budget should be balanced against the need to ensure that there are adequate resources (including from external sources) to ensure the delivery and development of essential services especially in the social sectors.
- The budget is also an excellent tool for ensuring social order and harmony. It provides a sense of direction and of discipline in government action.
- It is also a measure of government performance and accountability and serves as a benchmark against which accountabilities and performances can be measured. Though the concept of budgets



as indicators of performance is relatively new in many developing countries, it is steadily gaining ground with the advent of an increasing demand for transparent and accountable government.

### ***The budgetary process***

- The budgetary cycle comprises the following main stages:
  - Planning/Formulation;
  - Enactment;
  - Implementation;
  - Monitoring and Audit.

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## **NATURE AND COMPOSITION OF THE BUDGET**

*While the form national budgets take differs from country to country and from system to system, they generally include a Policy Statement, an inventory of priorities and programmes, distribution/allocation of the corresponding resources as well as budget implementation/evaluation reports for the previous budget cycle.*

*Increasingly, annual budget documents are accompanied by multiyear expenditure frameworks.*

### **A. Budget resources**

#### **(a) Taxation**

- The taxation systems need to be designed in such a way to ensure adequate budget revenue.
- In order to reduce the tax burden on the whole of the population, the tax base could be expanded.
- Tax collection agencies should also be taxpayer friendly bureaucracies.

#### **(b) Loans**

- Loans often constitute an important budgetary resource. While they may be vital in providing essential additional resources for the socio-economic development of the country, there is a need to ensure that the proportion of such loans in the budget is manageable and does not jeopardize future development. It is up to each country to assess the appropriate levels of its debt burden.
- There is a need for greater parliamentary involvement in public loan management. In this context, it has been generally agreed that Parliament should have the authority to approve loans prior to their being contracted. Accordingly, Parliament should be provided with detailed information on:
  - the volume of the loans;
  - the purpose of the loans;
  - an assessment of the impact on the direct beneficiaries, men and women, boys and girls alike, and society as a whole;
  - possible constraints;
  - conditionalities imposed by the lending institutions.

### **B. Budgetary allocations**

- While the budgetary resources should be allocated to specific priority sectors identified by the government, flexibility should be exercised so as to allow for the mobilisation of resources to meet contingencies, including emergencies and disasters, for example.
- Furthermore, flexibility should be allowed in the reallocation of resources within given budgetary allocations and the implementation of expenditure provided that parliament has due authority and oversight over such reallocations.
- The seminar discussed interesting experiences in countries where parliament increasingly wields the authority to increase or reduce budgetary allocations under various portfolios.

### C. Decentralisation of the budget

- Decentralisation and the devolution of centrally managed functions to lower level government units has been, in the recent years, recognized as an important element of public sector reform and a means of achieving budget efficiency. This evolution has brought about a series of changes in the preparation of central government budgets.
- A greater revenue allocation to local government institutions has promoted and encouraged local innovation and dynamism, and greater efficiency and more cost-effective delivery of essential services where central government management has been ineffective.
- Decentralisation of budget management generally allows for more equitable distribution of resources and makes it possible to respond more equitably to the needs of minority and underprivileged groups.
- Private sector and NGO execution of government funded projects has often resulted in greater efficiency and more cost-effective delivery of services, especially in social sectors. However, increased and equitable access to social services can only be guaranteed when there are effective regulatory systems.
- The development of decentralised budgetary units should be accompanied by the creation of adequate oversight and accountability mechanisms.

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### ACTORS AND THEIR RESPECTIVE ROLES IN THE BUDGETARY PROCESS

*The respective roles of parliament and government in the budgetary process are based on the traditional division of powers between the executive, the legislature and the judiciary. An efficient interaction between the first two branches of government in the budget process allows for better governance and the strengthening of democracy. Increasingly, the critical role that civil society plays in the budget process is being recognized and promoted.*

#### **Role of government**

- The executive branch of government is primarily responsible for:
  - planning and formulating the budget (identification of priorities; designing programmes to respond to these priorities and allocating resources to these programmes);
  - implementing the budget;
  - monitoring the implementation of the budget and ensuring internal controls and budget discipline as well as accountability;
  - reporting on the implementation of the budget.

#### **Role of parliament**

- Generally, parliament plays an authorisation, oversight and supervisory role in the budget process, thereby ensuring transparency and accountability. It thus scrutinizes and approves budget proposals and authorizes the expenditures necessary to respond to these proposals, and holds government to account for the implementation of these proposals and the utilisation of the corresponding resources.
- As the representative body of the people, parliament is the appropriate institution in which to ensure that the budget best matches the nation's needs with the available resources

- Greater parliamentary input into the budget process contributes to better national economic policy. It leads to greater government accountability and transparency; substantial national consensus regarding macro-economic policies; and greater possibilities for community-level input.
- Where the government informs the parliament of its intentions, it allows the latter to engage in healthy debate which helps to ensure that the policies subsequently adopted and implemented by the government adequately reflect the wishes of the people. Involving the parliament only in the final stage of the process tends to foster sterile confrontation.
- In some systems, parliament is given the opportunity to provide inputs at the budget formulation stage in order to ensure that national and local priorities are fully incorporated.
- In that regard and in terms of national consensus building and building linkages at the community level, parliaments and parliamentarians again can play a major role. Individual MPs can work at both the national and constituency level to draw in many civil society groups --- including those which represent the poor and the underprivileged --- and thus counter traditional privileged access to public influence by the wealthy.
- The organization of National Economic Forums and parliamentary committee hearings at the community and district levels can also contribute to building public consensus around the budget.
- In some cases, parliaments even have access to alternative information and analysis and to information and views from community groups and civil society organizations. Close work with various business and labour groups also helps build consensus and obtain public input on key policy and budget issues.

***Role of civil society in the context of an enhanced democratic approach to the budgetary process***

- The wave of democratisation of recent years has strengthened the need and demand for broader and deeper participation of all sectors of society in the affairs of the State.
- Civil society's role in some stages of the budgetary process is increasing worldwide. This has also offered the opportunity for certain gender-equality advocates to make their voices heard.
- Civil society's involvement should be encouraged and promoted by both the executive branch of government and parliament.
- At the formulation stage of the budget, the Government can benefit from civil society inputs (including from women's associations and groups) that ensure that the government's identified priorities are consonant with the interests of the different segments of society and are implemented in a manner beneficial to these segments. In that regard, cooperation with governmental departments should be enhanced: attending hearings of governmental departments organized during the budget formulation stage is one possibility of strengthening cooperation.
- As representatives of the people, parliamentarians should regularly consult civil society and relay its concerns to the government for inclusion in the debate on the formulation of the budget. Members of Parliament should therefore set up fora, at national and local level, wherein civil society, men and women alike, can be consulted extensively on priorities to be addressed within the budget.
- Parliament's own research and analytical capacities, including the collection of gender disaggregated data, can be enhanced by input from NGOs, academia and professional bodies.
- In some countries, parliaments have developed personal petition systems, that are treated seriously by MPs, and which allow ordinary citizens to provide significant input to policy determination.
- There is a strong need to promote and enhance the economic literacy of all actors of society to facilitate their understanding of and involvement in the budgetary process.

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## TRANSPARENCY AND ACCOUNTABILITY

*As discussed above, responsibility for ensuring transparency and accountability in the budgetary process lies primarily with the parliament.*

- Accountability and transparency in the budgetary process are prerequisites for a democratic budgetary process.
- In this context, accountability is the obligation on the part of the government to answer for its actions, coupled with its ability to respond to queries from the parliament. More specifically, financial accountability is the relationship between the executive and the legislature based on the government's fiduciary obligation to demonstrate and take responsibility for performance in the light of agreed expectations regarding the management and use of public funds.
- Parliament confers responsibility on the executive, and, at the same time, requires accountability reporting from the executive. At the same time, watchdog agencies --- principally national audit offices --- examine the performance of the Executive and in turn report to parliament.
- A transparent process requires that:
  - The form and content of the budget and estimates be both informative and understandable;
  - Government reports be timely and give a fair presentation of the facts; It has been generally observed that when budgets are accompanied by multi-year frameworks, this allows for a greater understanding by parliament of the government's long term economic strategy and vision and thus promotes transparency in terms of its intentions.
  - Public audit reports be relevant and useful;
  - Parliamentary oversight is open (in that it encourages public participation), conclusive and makes a difference.
- The bedrock of this system is the right to information. Access to and disclosure of information by government is crucial in the budgetary process for efficient budgetary management and monitoring of governmental action. The tradition of secrecy sometimes observed by the government in budget matters should be discouraged by guaranteeing the right to information in the constitution and laws.

### ***The National Audit***

- The national audit is a key instrument for ensuring accountability and transparency in the budget process. It is intended to ensure that all budget expenditure has been duly authorised, effected for the purpose for which it has been authorised and accounted for. It also ensures that the information provided by the government thereon is accurate.
- In most countries, a supreme audit institution performs this function; it is desirable that it be independent of the executive branch of government.
- For the supreme audit institution to function in an independent and efficient manner, it should be headed by a competent professional who is appointed independently (in many cases, he or she is appointed by the parliament and can not be removed from office except with the authority of the parliament). The institution should be adequately staffed (both in terms of ability and sufficient numbers), should ensure quality control and should be able to report to parliament in a timely manner.
- Greater efficiency in the audit function is further achieved when the audit report is publicised. There is therefore a need for the audit institution to forge an alliance with the media to ensure adequate media coverage of the auditor's report.

- It is crucial that the parliament be empowered to scrutinise, in a timely fashion, the audit report and propose appropriate measures to arrest improprieties in budget management, including sanctions against officials guilty of such practices.

***Other tools and mechanisms available to the parliament for ensuring accountability and transparency.***

*The means available to parliaments to ensure accountability and transparency are generally enshrined in the constitution, in laws and in the rules (standing orders, rules of procedure) under which the parliament operates. These tools and mechanisms include:*

- Parliamentary committees (especially finance/budget committees, public accounts committees and other sector/department/portfolio committees) are an essential instrument for ensuring parliamentary oversight of the budget. These committees are important for coordinating the parliament's response to proposed government priorities.
- Committee and plenary sessions of parliament provide a useful and effective forum for holding government to account through questions to the government and other public officials on their performance.
- In many countries, committees are open to the public and parliament encourages public inputs through public hearings, outreach to civil society and other groups, strategic partnerships with non-governmental advocacy and think-tank organisations, etc.
- Much of the analytical and information resources crucial to the proper scrutiny of the budget are provided by a parliamentary budget office (staffed with economists, social scientists and other experts) and/or by properly equipped research services.
- As discussed above, civil society organisations, academic institutions, professional groups, trade unions and other society-based groups are an important source of information on government performance at grassroots level and can help promote public awareness essential for transparency.

***Particular role of the opposition***

- Ensuring accountability requires an effective opposition that has the opportunity to participate in the budgetary process. Indeed, in many parliaments, the main responsibility for holding government to account is performed by the opposition.
- It is therefore important that the regulatory framework within which parliament operates allows for adequate expression and participation of the opposition in the decision-making process. Therefore, parliamentary rules should be reviewed regularly with the involvement of the opposition.
- In many parliaments, key oversight committees such as the budget and/or public accounts committees are chaired by the opposition.

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**GENDER-SENSITIVE BUDGETS AS A MEANS OF  
ACHIEVING EQUITABLE DEVELOPMENT AND ECONOMIC EFFICIENCY**

*There is an increasing recognition that gender sensitive budgeting not only responds to human rights concerns but also promotes efficient and equitable economic development.*

### **General concepts**

- Sex and gender do not mean the same thing. While sex refers to biological differences, which are difficult to change, gender refers to social differences, which can be modified since gender identity, roles and relations are determined by society.
- Policies framed in gender-neutral terms impact differently on women and men as both women and men play different roles in the economy and in society. Good policy-making therefore requires understanding both the likely differential gender impacts and how policies might generally be better designed to achieve outcomes which meet the needs of women and men and girls and boys of different economic categories equitably. Ignoring the specific roles played by women in the economy and in society and their needs, undermines the efficiency of certain public policies.
- Gender issues pervade the lives of women and men and have economic and social implications as gender shapes our opportunities, access to resources and needs.
- Apart from being unfair, gender inequalities are also costly, not only to women but also to men, children and society as a whole. The cost can be measured in lower economic efficiency, lower output, lower development of people's capacities and lower societal well-being. A gender impact analysis of a proposed budget is thus a precondition for budgetary efficiency.
- Gender neutrality of budgets does not imply that budgets will not have significantly different impacts on women and men of different economic/social groups. A gender-neutral approach means ignoring the gender impact of policy because it does not take into account the different positions women and men occupy in the economy and in society. This approach is more correctly referred to as gender-blindness.
- Gender sensitive budgets do not mean separate budgets for women.
- Gender sensitive budgets seek to reduce gender gaps and inequalities. They are intended to break down, or disaggregate, the government's entire budget according to its impact on different groups of women and men with cognisance being taken of the society's underpinning gender relations, roles and opportunities to access and control resources. Gender sensitive budgets are therefore fundamentally about mainstreaming gender issues and ensuring that these issues are integrated into all national policies, plans and programmes rather than regarding women as a special "interest group" to be catered for separately.

### **Mechanisms and tools for developing a gender sensitive budget**

- Many countries are now allocating a certain percentage of their budget resources to gender related programmes. The case of the Philippines which since 1994 has required every government agency to allocate at least 5% of its budget to gender-related programs was debated by the seminar.
- However, discussions at the seminar highlighted the fact that there was a need to go further and ensure that gender issues are taken into consideration by every government department in all programmes and the allocation of corresponding resources.
- To conduct a gender impact analysis of the budget, it is important to first do a gender analysis of the policy documents. A gender analysis of budgets focuses on the different roles women and men play in the economy including unpaid care work; gender relations in households and public institutions; and differences in access to and control of resources by women and men, girls and boys.
- To that end, gender disaggregated statistics are needed to demystify the apparent gender neutrality of budgets. Gender disaggregated data makes it possible for analysts, for instance, to expose how policies such as those on industrialisation, taxation, education, employment or trade impact on women due to their different location in the family and in the economy.

### ***Parliament's role in developing a gender sensitive budget***

- Parliaments should ensure that oversight committees receive and use recommendations resulting from gender budget research in the budget debate. In that connection, parliamentary staff should be encouraged to collect such data and make it available to MPs.
- Parliament and government should establish collaboration and partnership with civil society. Gender budget advocates may assist them in developing a gender approach to their budgetary analysis and work. In some cases, gender budget advocates have been invited by the Ministries of Finance to take part, on a permanent basis, in their sector working groups on the budget. Such groups can also share their information and skills with committees and staff.
- Institutionalising the inclusion of a gender approach to the budget should be an objective of both parliaments and governments.
- In order to ensure the development of a gender perspective to policies and budgets, the establishment of gender parliamentary committees should be promoted. Parliamentary sub-committees of budget committees can also be efficient tools for the development of gender sensitive budgets.

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### **WHAT PARLIAMENT NEEDS TO PERFORM ITS BUDGET FUNCTION**

In order for parliament to play an efficient role in the budget process a number of conditions need to be fulfilled.

- An appropriate constitutional and legal framework (constitution; laws; rules of procedure; standing orders) should be established that enables Parliament to operate in an unhindered and independent fashion.
- Such provisions should guarantee that parliament receives from the executive branch of government as well as other public entities the accurate information that enables it to take the right decisions. This entails, among other things, access to comprehensive and independent sources of information, (including gender disaggregated data).
- Parliaments should have access to the necessary material, human (professional support staff, experts, analysts from the civil society, and academia) and financial resources. In this context it is desirable that the parliament determine, vote and implement its own budget.
- Furthermore there is the need to strengthen the capacity of parliamentarians and parliamentary staff to analyse the budget, scrutinize relevant reports and understand general economic issues, including from a gender perspective, the knowledge of which is crucial for efficient scrutiny of the budget. Capacity-building initiatives such as training and professional development activities may be required. Seminars such as the present one are very useful in this regard and should therefore be encouraged.

Training parliamentary staff and Chairs of committees in gender analysis of policies and budgets is essential. This can be done at regional level using the available expertise and the services of a global institution such as the IPU.

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## PARLIAMENTARY DECLARATION ON THE OCCASION OF THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

*of which the Council took note at its 171<sup>st</sup> Session  
(Geneva, 25 September 2002)*

### **Preamble**

While the rich twenty percent of the world's population consume eighty percent of the world's resources at an unsustainable rate, some three billion people must struggle to survive on less than two dollars a day, without adequate access to education and health care, food, water, sanitation and shelter, decent employment, productive technologies, clean energy sources, and ultimately a liveable environment.

Poverty must be acknowledged as a serious threat to humanity. Not knowing where the next meal will come from, the fact that one's children and their children will be condemned to a life of abject poverty, starvation, illiteracy and ill health is inhumane, unjust and unacceptable.

In spite of progress on many fronts, the ten-year old *Agenda 21* remains for the most part unfulfilled: oceans are more polluted and fish stocks depleted; forests are being cut faster than they can regenerate themselves; some agricultural lands are overexploited; land degradation and desertification continue unabated; natural disasters are occurring with greater frequency and intensity; global warming and climate change threaten to undermine livelihoods, political stability, and the quality of life for entire populations. The cost, human and environmental, of all this damage is incalculable and, increasingly, irreversible.

To correct the dangerous course on which the world is now set, it is more than ever incumbent on us, the representatives of the legislative branch of government, to work together toward the common objective of sustainability - social, economic, and environmental. Setting aside our individual differences, and in the name of the people we represent, we declare our commitment to the following principles and means of action.

### **Principles of Implementation**

We renew our commitment to the Rio Declaration, and particularly to the principle of common but differentiated responsibilities inscribed therein. We likewise commit ourselves anew to the war on poverty, as declared at the Copenhagen Summit.

We reaffirm the need for governments, acting in partnership with civil society and the productive sector, to promote sustainability without abdicating their fundamental responsibilities to the disadvantaged and most vulnerable both within domestic jurisdictions and globally.

We consider that investing in the environment and in people is key to creating a more prosperous economy capable of providing for the needs of everyone on the planet today and in future generations.

We are committed to building a society based on the fundamental principles of solidarity, equality, non-discrimination and tolerance, as well as respect for all human rights. We recognise the primordial importance of education in this regard.

We recognize the necessity for all public policies in the area of sustainable development to include implementation targets and deadlines in order to force effective action and provide for measurable results.



## Priority Actions

Given the key role of financing in the implementation of *Agenda 21*, we endorse the spirit of the *Monterrey Consensus* of the United Nations as a starting point for mobilizing additional resources for the developing world. With the aim of implementing that consensus to promote sustainability, we will:

- Channel a greater portion of ODA into projects that integrate the environmental, social, and economic dimensions of development, including poverty eradication, and ensure that export credit guarantees are limited to such projects;
- Promote initiatives aiming at eliminating the debt of both poor and middle income countries, including through debt for sustainable development swaps, in order to enable them to meet the *Millennium Development Goals*, and as an additional measure to increasing ODA;
- Regulate investments to protect nature and bio-diversity so as to promote sustainable livelihoods in local communities and vulnerable groups, including indigenous peoples;
- Move forward with the full implementation of the Uruguay Round of Agreements to bring about a fairer trade regime, consistent with the principles of the WTO Agreements, facilitate further trade negotiations to enhance market access for developing country exports, and ensure that respect of intellectual property rights does not impede access to life-saving drugs.

Recognizing the evolution of civil society over the last ten years, we stress the importance of partnerships between government and civil society organizations, including private business entities, as a way of further implementing sustainable development in both developed and developing countries. To this effect, we will:

- Enact the necessary guidelines and legal framework to promote such partnerships and ensure transparency, fairness, and accountability, as well as add value to national and local capacities;
- Help strengthen innovative local and workplace partnerships;
- Give our support to regional partnerships such as the New Partnership for Africa's Development (NEPAD).

Noting the inter-relationship between human security and sustainable development and the fact that human security as a relative concept is perceived and experienced differently in the North and the South, we will give our greatest priority to the following human security issues in implementing the economic and social aspects of *Agenda 21*:

- Realizing the *Millennium Development Goals* by the required deadlines by, *inter alia*, giving due priority in our budgets to education for children, ensuring equal access for boys and girls, as well as life-long education, food security, access to reproductive health services, people with disabilities, safety nets for all people, and amenities such as safe water and sanitation and cleaner energy sources;
- Taking strong preventive and curative measures, based on UNAIDS guidelines and with a particular focus on young people, women and people with disabilities, to counter the HIV/AIDS pandemic, reduce its effect on human suffering and sustainable development, and meet the global targets for the year 2015;
- Similarly, taking measures to counter the increase in diseases such as malaria, TB and other epidemics that threaten the survival of communities;
- Implementing measures conducive to peace at all levels, including in the domestic sphere, and to the prevention of conflict. Reducing the worldwide annual military expenditure of \$ 900 billion so as to release more resources for sustainable development;
- Recognising cultural diversity and promoting the rights of cultural, linguistic and religious communities;
- Promoting human security as a universal interdependent concept that incorporates early prevention of conflicts and poverty eradication, gender equality, empowerment and protection, and which requires fair and equitable trade and a rights-based approach to human needs;
- Ensuring a shift away from a national state-centred security approach to one that places people at the centre of sustainable development and, to this end, consider the enforcement of second and third generation socio-economic rights on the same basis as first generation political and civil rights.

As members of parliament, we consider it our foremost duty to strengthen governance by reforming its institutions, including parliaments and decision-making processes to meet the imperative of sustainable development. We recognise the unique role of parliamentarians in scrutinising, monitoring and holding national governments to account in respect of the implementation of international agreements. We will work to put into place:

- New regulatory and administrative foundations to make the integrated approach of sustainable development permeate every act of government;
- National strategies for sustainable development that include a measure of decentralisation of public and private institutions for appropriate local decisions to provide a coherent policy framework and measurable targets;
- Requirements for thorough environmental and social impact assessments based on sustainable development indicators and procedures for land and coastal planning, as well as legal frameworks to adjudicate environmental disputes;
- Systems that provide access to relevant information to people and decision makers;
- Regulations to implement new and rigorous methods of green accounting in both public and private sectors;
- Democratic institutions and processes that are accountable, allow for consultation with and input from civil society, abide by the rule of law and respect fundamental human rights and human dignity.

### **Our Pledge**

We, the members of parliament gathered in Johannesburg on the occasion of the World Summit on Sustainable Development, pledge our continued support for *Agenda 21* as the blueprint for parliamentarians working for a more prosperous, equitable, and sustainable world, and to work towards ratification of multilateral environmental agreements, including the Kyoto Protocol.

We pledge to formally review in our respective parliaments the *Plan of Implementation* of the World Summit on Sustainable Development and to speedily implement, through legislation, including budgetary measures, the provisions of the *Plan* that come under our purview.

We commit ourselves further to working through our world organization, the Inter-Parliamentary Union, for a more sustainable and equitable world, and to bringing a parliamentary dimension to the United Nations, the WTO, the Bretton Woods Institutions and all such multilateral organizations engaged in implementing the outcome of the Summit.

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## **COMMITTEE ON MIDDLE EAST QUESTIONS**

*Report of which the Council took note at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)*

### Hearing of Israeli and Arab delegations

The Committee heard all the participants who were able to express themselves in a climate of calm and mutual understanding, and concentrate themselves on what can be done in the future instead of looking at what had happened in the past.

All participants agreed on the need to put an end to the violence, as the current climate of terror and war does not help the two peoples live in peace and coexist in the same territory. All agreed that every necessary measure to protect the Israeli and Palestinian civilian populations against any attack or danger should be adopted. They expressed their conviction that only mutual acceptance and respect and the

commitment by both parties to live in peace and security could bring a better and more prosperous future for the two peoples and the region as a whole.

All participants stressed the need for the international community, and in particular, the United Nations, the European Union and the United States, to contribute to the resumption of the peace negotiations. They emphasized the need to adopt a plan of action. It was agreed that the Bush Plan provided the basis for future talks.

The question of statehood was also raised. Participants from the Arab delegations called for a Palestinian State with official recognition. Though some members of the Israeli delegation agreed on a declaration of statehood, they stressed that, the Israeli people, under the current climate of terror and violence, would not accept such a declaration.

In order to strengthen and advance democracy in Palestine and to allow its institutions, including the Palestinian Legislative Council to function normally and freely, the Committee emphasised the need to lift the current siege on the Palestinian leader.

#### Exchange of views on the Committee's objectives and working methods

The Committee held a discussion on its scope and mandate. The members decided to reconsider the steps that should be taken to accomplish its objectives.

A proposal was made to enlarge its scope, as currently it focused only on the Israeli-Palestinian conflict, although there were other conflicts in the region. They agreed that priority should be given to assisting in finding a solution to the Israeli- Palestinian conflict as a first step, while promoting greater balance in the region as a whole.

The members also stressed the need to maintain regular communication with each other, as a means of facilitating the work of the Committee.

#### Proposal submitted by the Swiss Group

The Committee studied a proposal submitted by the Swiss Group and the Manifesto - Movement for a Just and Lasting Peace in the Middle East, to hold a meeting in Geneva between legislators from the Knesset and the Palestinian Legislative Council.

The members of the Committee unanimously supported this proposal and urged the IPU to do its utmost in not only organising and actually holding the meeting but also in participating actively in its work.

#### Elections in Palestine in January 2003

The Committee was informed that Palestinian presidential and parliamentary elections were scheduled for 20 January 2003. The Committee encouraged these elections, calling for a safe, free and fair process.

It called on parliaments to actively support the electoral process, including by sending MPs as observers. It also asked the Inter-Parliamentary Union to organise a mission that could observe all relevant aspects of the organization and conduct of the elections and report on its observations and findings at the next session of the Inter-Parliamentary Council. Since there are no budgetary provisions to fit the bill of an election observer mission, the Committee called on Member Parliaments to second, at their own expense, MPs to an IPU observer mission. Funding for operational and secretariat support could come from the existing IPU budget.

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## AMENDMENTS TO THE STATUTES OF THE INTER-PARLIAMENTARY UNION

*Approved by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)*

On the proposal of the Gender Partnership Group, the Council approved the following amendments to the Statutes of the Union and recommended that they be submitted for adoption to the 108<sup>th</sup> Conference of the Inter-Parliamentary Union (Santiago de Chile, April 2003).

(a) **Article 10 of the Statutes**  
*(New wording underlined)*

1. The Conference shall be composed of parliamentarians designated as delegates by the Union's Members. Members shall include male and female parliamentarians in their delegation and shall strive to ensure equal representation of men and women.

[...]

3. Any delegation composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person.

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\* \*

(b) **Article 15 of the Statutes**  
*(New wording underlined)*

[...]

2. [...]

(c) Any delegation composed exclusively of parliamentarians of the same sex shall have a minimum of eight votes (instead of the ten for mixed delegations) at the Conference of the Inter-Parliamentary Union. For delegations entitled to a certain number of additional votes, the overall calculation will be made on the basis of eight votes instead of ten.

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\* \*

(c) **Article 23 of the Statutes**  
*(New wording underlined)*

[...]

3. In elections to the Executive Committee, consideration shall be given to the contribution made to the work of the Union by the candidate and the Member of the Union concerned, and an endeavour will be made to ensure an equitable geographical distribution. Only parliamentarians from States where women have both the right to vote and the right to stand for election are eligible to the Executive Committee.

[...]

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## AMENDMENTS TO THE RULES OF THE ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

*Approved by the Council at its 171<sup>st</sup> Session  
(Geneva, 25 September 2002)*

### Aims

Rule 1 The Association of Secretaries General of Parliaments, is a consultative organism of the Inter-Parliamentary Union in accordance with Section VII, Article 26 of the Statutes of the Union. It aims:

- to facilitate personal contacts between its members
- ***in conjunction with the Inter-Parliamentary Union, to cooperate with those Parliaments which request legal and technical assistance and support***
- to study the law, practice and procedure of Parliament
- to propose measures for improving the working methods of different Parliaments
- to secure cooperation between the services of different Parliaments.

Rule 2 Each member of the Association shall furnish information about the law, practice, procedure, working methods and organisation of his own Parliament and ***the administration of the parliamentary services***, for any inquiry by the Association or at the request of any other member.

### Composition

Rule 3 (1) The Association shall consist of Secretaries General and Deputy Secretaries General of Parliaments, ***or international Parliamentary Assemblies*** whether or not such Parliaments or Assemblies are affiliated to the Inter-Parliamentary Union.

(2) Where a Secretary General or Deputy Secretary General is unable to take part directly and personally in the work of the Association, the Association may admit as a member a high officer of that Assembly ***who will act under the authority of the Secretary General***.

Rule 4 ***By a Secretary General of a parliamentary assembly is meant a person who is in charge of the parliamentary services.***

Rule 5 The Association shall decide upon applications for membership on a report from the Executive Committee.

Rule 6 (1) If a member is unable to attend a session, ***meeting or sitting*** of the Association, he/she may nominate as a substitute another member of his/her parliamentary staff.

(2) Any such nomination shall be communicated to the President of the Association in writing not later than the opening ***of a sitting to which it applies***. It shall remain valid for that session or ***meeting*** only.

Rule 7 ***No Assembly may be represented by more than two members at any one time***

Rule 8 The Association may confer honorary membership upon a former member of the Association who has rendered it important services ***at the proposal of the Executive Committee, either of its own motion or at the request of any member.***

**Rule 9** *The Association may, taking into account the principles and conditions set out in the Statute of the IPU, at the proposal of the Executive Committee admit observers by reason of their particular status or technical expertise.*

**Rule 10** (1) When the affiliation of a Parliament to the Inter-Parliamentary Union has been suspended because it is in arrears in the payment of its contribution to the Union, a member from that Parliament may continue to be a member of the Association.

(2) When the affiliation of a Parliament to the Inter-Parliamentary Union has been suspended because the Parliament has ceased to function, the Executive Committee shall decide at the earliest opportunity on the eligibility of any member from that Parliament to remain a member of the Association.

### **Sessions**

**Rule 11** (1) In every year the Association shall meet in session concurrently with the conferences of the Inter-Parliamentary Union and at the same place.

(2) *It may also meet otherwise, concurrently with meetings of the Council of the IPU, and at the same place.*

(3) *The Association may also hold exceptional meetings in co-operation with the IPU.*

**Rule 12** The President shall convene each session or meeting of the Association in a circular which shall set out the draft Agenda for the session. *The draft Agenda shall set out the order and timing of contributions and other matters.*

**Rule 13** A representative of the Union shall be heard if he/she so wishes *at full sessions and other meetings of the Association.*

### **Executive Committee and Bureau**

**Rule 14** The Executive Committee shall consist of the President of the Association, the two Vice-Presidents, and six other members *who shall be elected by the Association* and former Presidents who are members or honorary members of the Association. *All the elected members of the Executive Committee must belong to different Parliaments.*

**Rule 15** The Bureau shall consist of the President, of the Vice-Presidents, and two joint secretaries who shall be appointed by the President.

**Rule 16** *When Rule 10(2) applies,* a member from that Parliament cannot be a candidate for election to any post on the Executive Committee. If at the time of the suspension a member from that Parliament is a member of the Executive Committee, his membership of the Executive Committee shall cease forthwith and the post become vacant.

**Rule 17** (1) *Candidates for election to the Executive Committee must be nominated in writing in a set form by a time to be laid down by the Executive Committee. Such nominations must be accompanied by a formal acceptance by the candidate.*

(2) *The members of the Executive Committee shall be elected for a period of three years.*

(3) *Elections will take place at the Annual Sessions held under Rule 11(1).*

(4) Terms of office shall take effect *from the day after the close* of the session at which elections take place and shall terminate at the close of the plenary session at which new elections take place.

**Rule 18** (1) If a vacancy occurs during the term of office of a member of the Executive Committee, an election to fill the vacancy for a new full term of office shall be held.

**(2) If the President is absent or a vacancy occurs in the office of President, the duties of President shall be carried out temporarily by the earlier elected Vice-President. Otherwise, the duties will be carried out by one of the other members of the Executive Committee, chosen on the same basis. In case of equality of seniority of election, the oldest member will take precedence.**

**Rule 19** **Members** of the Executive Committee may not stand for election to the same office for two years. Their place shall be taken by a member from another Parliament.

**Rule 20** Each member of the Executive Committee shall have a vote. If the votes are equal, the President shall have a casting vote.

**Rule 21** The Executive Committee shall

- (a) initiate subjects of study and appoint Rapporteurs;
- (b) **decide about specific topics to be presented and discussed in the course of the forthcoming sessions or meetings;**
- (c) propose the agenda for sessions **or other meetings** of the Association;
- (d) take any necessary steps to ensure the execution of the Association's decisions;
- (e) approve the draft annual budget of the Association for the forthcoming year and to lay the accounts for the past year before the Association for approval;
- (f) decide the place and date of exceptional meetings referred to in Rule 11(3);
- (g) consider and submit to the Association proposals to amend the Rules of the Association, and
- (h) propose arrangements for the holding of elections.

**Rule 22** (1) The Executive Committee shall meet on being convened by the President. The Committee shall meet at **least twice** at the time of each session or **meeting** of the Association.

(2) The Secretary General of the Union or his representative may be heard at meetings of the Executive Committee at his request.

(3) **The Committee may also make decisions by way of meetings held using electronic means of communication.**

### **Decisions and methods of voting of the Association**

**Rule 23** Only decisions taken at a session **or other meeting** of the Association shall bind the Association. **Apart from exceptional circumstances** the Association shall not adopt a report and authorise its publication until after it has been considered at least one session.

**Rule 24** (1) **Observers shall not take part in votes on reports or in elections. They shall not be elected.**

(2) **Those who are members under the provisions of Rule 3(2) shall not be elected.**

**Rule 25** The majority required to adopt any proposal submitted to the Association shall be a majority of votes cast.

**Rule 26** The President shall have a vote but no casting vote. If the votes are equal, the proposal shall not be carried.

### **Minutes and publications**

**Rule 27** The minutes of sessions of the Association shall be kept in the official languages of the Inter-Parliamentary Union and circulated to members of the Association by the Joint Secretaries.

**Rule 28** (1) The Association shall be responsible for the publication and distribution of "Constitutional and Parliamentary Information" ***in the official languages of the IPU.***

(2) Reports adopted by the Association shall be published in "Constitutional and Parliamentary Information".

(3) The following may also be published in the Review "Constitutional and Parliamentary Information" on the decision of the President:

- new or revised Constitutions
- Communications presented at sessions and meetings
- debates on specific topics decided by the Executive Committee
- other constitutional or parliamentary information of interest to members of the Association.

(4) ***The Association shall also ensure the distribution and publication of information on the Internet site of the Inter-Parliamentary Union.***

### **Languages**

**Rule 29** (1) The languages used at meetings of the Association or the Executive Committee shall be the official languages of the Inter-Parliamentary Union.

(2) All questionnaires, reports and other documents of the Association shall be drawn up in the official languages of the Inter-Parliamentary Union.

(3) ***If a member cannot use one of these languages, he/she may use an interpreter at his/her own cost who shall interpret into one of the official languages.***

### **Budget**

**Rule 30** (1) The President shall submit to the Executive Committee of the Association the draft budget for the forthcoming year which he/she has prepared in consultation with the Secretary General of the Union, and after having been heard by the Executive Committee of the Union if the budget estimates of the Association do not correspond to those proposed by the Secretary General of the Union.

(2) ***The budget shall be submitted for ratification at the earliest opportunity.***

(3) Each Chamber represented in the Association shall contribute annually to the budget of the Association a sum to be fixed by the Association.

(4) ***Observers shall pay a contribution equal to half of the median level of subscription of members.***

(5) ***The Executive Committee may propose that all or some of the rights associated with membership be suspended, as set out in article 5.2 of the Statutes of the Inter-Parliamentary Union, if there is a delay of at least three years in the payment of subscriptions.***



**Amendments of rules of the Association**

**Rule 31** (1) *Any member may propose an amendment to the Rules of the Association. A proposal to amend the Rules of the Association shall be considered by the Executive Committee before being submitted to a vote by the Association.*

*(2) The members of the Association may be informed by the President of any proposals to amend the rules which are sent to the Executive Committee before such proposals are discussed by the Executive Committee.*

**Temporary Rule**

**Rule 32** *The term of office for members of the Executive Committee elected before the Spring 2002 session shall retroactively be set at three years. Such terms of office will be deemed to have taken effect from the close of the session at which they were elected.*

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

**(Santiago de Chile, 6 – 12 April 2003)**

***Approved by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

1. Election of the President and Vice-Presidents of the 108<sup>th</sup> Conference
  2. Consideration of possible requests for the inclusion of a supplementary item in the Conference agenda
  3. General debate on the political, economical and social situation in the world
  4. Parliaments' role in strengthening democratic institutions and human development in a fragmented world
  5. International cooperation for the prevention and management of transborder natural disasters and their impact on the regions concerned
  6. Amendments to the Statutes and Rules of the Inter-Parliamentary Union
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**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 108<sup>th</sup> CONFERENCE AS OBSERVERS**

**Approved by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)**

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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  
Interparliamentary 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  
Parliament of the Economic Community of West African States (ECOWAS)  
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)  
Parliamentary Assembly of the OSCE  
Parliamentary Assembly of the Union of Belarus and the Russian Federation  
Parliamentary Association for Euro-Arab Co-operation (PAEAC)  
Parliamentary Union of the Organisation of the Islamic Conference Members (PUOICM)  
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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## FUTURE MEETINGS AND OTHER ACTIVITIES

**Approved by the Council at its 171<sup>st</sup> session  
(Geneva, 27 September 2002)**

Second meeting of the Post-Doha Steering Committee, organised jointly by the IPU and the European Parliament	GENEVA (CICG) 14-15 October 2002
UN-IPU Meeting of parliamentarians attending the 57 <sup>th</sup> session of the UN General Assembly	NEW YORK (UN Headquarters) 20 November 2002
Parliamentary Meeting with members of the Israeli Knesset and the Palestinian Legislative Council, organised by the Manifesto Movement for a Just and Lasting Peace, with the support of the Swiss Group and the Inter-Parliamentary Union	GENEVA 16-18 December 2002
100 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians, IPU Headquarters	GENEVA (IPU Headquarters) January 2003
Second Parliamentary Conference on International Trade	GENEVA (CICG) 17-18 February 2003
108 <sup>th</sup> Inter-Parliamentary Conference and related meetings	SANTIAGO DE CHILE (Chile) 6-12 April 2003
<ul style="list-style-type: none"> <li>- Inter-Parliamentary Conference</li> <li>- Inter-Parliamentary Council (172<sup>nd</sup> session)</li> <li>- Executive Committee (239<sup>th</sup> session)</li> <li>- Meeting of Women Parliamentarians (8<sup>th</sup> session)</li> <li>- Coordinating Committee of Women Parliamentarians</li> <li>- Gender Partnership Group</li> <li>- Committee to Promote Respect for International Humanitarian Law</li> <li>- Coordinating Committee of the CSCM</li> <li>- Meeting of Parties to the CSCM process (21<sup>st</sup> session)</li> <li>- Committee on the Human Rights of Parliamentarians (101<sup>st</sup> session)</li> <li>- Committee on Middle East Questions</li> <li>- Group of Facilitators for Cyprus</li> </ul>	
Seminar for Asian Parliaments on Parliament and the budgetary process, including from a gender perspective	May 2003
One-day Parliamentary Meeting on the occasion of the 5 <sup>th</sup> International Conference of New or Restored Democracies	ULAAN BAATAR (Mongolia) 18-20 June 2003
Parliamentary Meeting on the occasion of the World Summit on the Information Society (WSIS)	GENEVA 10-12 December 2003
109 <sup>th</sup> IPU Assembly	LONDON (United Kingdom) 28 March-3 April 2004
IPU Assembly	MANILA (Philippines) March/April 2005

## CASE N° BLS/01 - ANDREI KLIMOV - BELARUS

### *Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)*

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Andrei Klimov, a member of the former Thirteenth Supreme Soviet of Belarus, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking into account* a communication from the Chairman of the House of Representatives of the National Assembly, dated 10 September 2002, and the information provided by Mr. Arkhipov, the Chairman of the Standing Committee on Legislation, Judicial and Legal Issues of the House of Representatives, at the hearing held with the Committee on the occasion of the Special Session of the Council,

*Considering* that Mr. Klimov was granted release on parole on 25 March 2002 following a decision to that effect by Minsk Central City Court; while, according to the information provided by the parliamentary authorities in March 2002, this means that for the remainder of his sentence, namely one year and 11 months, he will have to report to the police periodically, it now appears from the information provided by those authorities on the occasion of the Special Session of the Council that he has in fact been granted a more lenient form of punishment insofar as he must stay overnight at a specific location and carry out “correctional work”; he may, however, visit his family during the day and lead a normal life; according to the Chairman of the Standing Committee on Legislation, Judicial and Legal Issues, he has even engaged in political activities again,

*Recalling* that it has consistently urged the authorities to include Mr. Klimov in an amnesty law, given the serious misgivings it has consistently expressed about respect for Mr. Klimov’s right to fair trial, in particular his right effectively to defend himself and refute the charges against him,

*Considering* that, according to information provided by the parliamentary authorities in March 2002, he would regain his full liberty should he be included in the amnesty law which was to be adopted by Parliament in April 2002; in September 2002, the parliamentary authorities stated that Mr. Klimov’s sentence could be annulled under Article 5 of the “*Law on Amnesty of Certain Categories of Convicts*” if, by the day the Law came into force, he had served one third of his sentence, a condition which he fulfils, and if he had paid the damage allegedly caused by him, amounting to some US\$ 90,000; so far, he had only reimbursed US\$ 30; his sentence would be annulled upon payment of the remainder; *considering further* that, according to the Chairman of the Standing Committee on Legislation, Judicial and Legal Issues, Mr. Klimov may be fully released before the term if he strictly obeys the rules, which the authorities say he does,

1. *Thanks* the parliamentary authorities for the information provided and for their consistent cooperation;
2. *Welcomes* the release on parole of Mr. Andrei Klimov; *regrets*, however, that he has not fully recovered his freedom;
3. *Notes* that he may be unconditionally released if he strictly obeys the rules, which, as the authorities have stated, he does at present; *earnestly hopes* that he will be granted such release in the near future, and *would appreciate* further information in this respect;
4. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;

5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council,

*Referring* to the outline of the case of Mr. Victor Gonchar, a member of the former Thirteenth Supreme Soviet of Belarus, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of a communication from the Chairman of the House of Representatives of the National Assembly, dated 10 September 2002, and of the information provided by the Chairman of the Standing Committee on Legislation, Judicial and Legal Issues at the hearing held with the Committee on the occasion of the Special Session of the Council,

*Recalling* that Mr. Gonchar, with a friend, Anatoly Krasovsky, disappeared on the evening of 16 September 1999 and that since then no trace has been found of them although, as the parliamentary authorities have repeatedly stated, special investigative efforts were being made to establish their fate and Parliament as a whole was closely monitoring the relevant investigation and, to that end, regularly questioning the competent authorities; *considering* in this respect, however, that no special monitoring committee has so far been set up, as suggested earlier by a member of the House of Representatives on the occasion of a session it held in the presence of President Lukashenko, who, according to the Chairman of the Standing Committee on Legislation, Judicial and Legal Issues, had welcomed the proposal,

*Considering* that, according to information provided by the parliamentary authorities in September 2002, the bloodstains found at the place of the disappearance of Mr. Gonchar and Mr. Krasovsky were undergoing genotypic testing and the preliminary investigation period had been extended to 20 October 2002,

*Noting* that the Ad Hoc Committee on Belarus of the Parliamentary Assembly of the Council of Europe (PACE), on the occasion of a visit to Belarus from 10 to 12 June 2002, stressed the need to elucidate the fate of the disappeared politicians, including Mr. Gonchar, and suggested the establishment of a commission of independent experts to that end,

1. *Thanks* the parliamentary authorities for the information provided and for their consistent cooperation;
2. *Is deeply concerned* that, three years after Mr. Gonchar's disappearance, the investigations have led nowhere despite all the special efforts which, according to the authorities, have been made;
3. *Affirms* that "*disappearances*" are violations of international human rights, and *recalls* in this respect Article 1 of the "*Declaration on the Protection of All Persons from Enforced Disappearance*", adopted by the United Nations General Assembly in 1992, which 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*"; *recalls* also Article 13 of the Declaration, which calls for investigations to be carried out "*as long as the fate of the victim of enforced disappearance remains unclarified*";

4. *Consequently urges* Parliament to give effective support to the PACE recommendation to set up a commission of independent experts as a means of progress towards elucidating Mr. Gonchar's fate;
5. *Also encourages* Parliament to enhance its efforts in monitoring the investigation and to set up the parliamentary commission for this purpose;
6. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to keep the Committee informed of any developments;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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## 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 Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the above-mentioned parliamentarians of Burundi, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of the information provided by Mr. Ndiwokubwayo, a member of the Burundian delegation to the Special Session of the Council (September 2002) at the hearing held on the occasion,

*Considering* that the information he obtained after consulting the relevant files in the Public Prosecutor's Office confirms the information the Committee has on file, namely that except in the case of Mr. Gisabwamana, whose murderer was identified and sentenced, the investigations into the murders of the other MPs have been shelved, reportedly for want either of evidence or of complainants; in the case of Mr. Gahungu, the entire file on him has disappeared,

*Recalling* that, according to information provided previously by the parliamentary authorities, the Transitional National Assembly has collected evidence on these cases and made it available to the prosecuting authorities; it appears, however, that they have never made any use of it,

*Considering* that the President of the Transitional National Assembly has agreed to the setting up of a small group of MPs to look into the matter and, in close cooperation with the Prosecutor General's Office and the Minister for Human Rights and Relations with the Transitional National Assembly, to re-open these investigations and to elucidate the circumstances of the murders in question,

*Considering* further that the Arusha Peace Agreement provides for the establishment of an International Judicial Commission of Inquiry and a Truth and National Reconciliation Commission to shed light on the violence which has prevailed in Burundi since its independence and establish responsibilities; according to information supplied by Mr. Ndiwokubwayo, the Government recently addressed to the United Nations a request for the establishment of an international inquiry commission, and a bill establishing the national commission is under discussion by the Council of Ministers, which has already adopted a bill concerning reform of the legal system,

*Considering* finally that, in his letter of 19 January 2001, the Minister of Human Rights stated that “*the State of Burundi has an obligation to compensate any victim when he or she is able to prove the responsibility of the State or its agents ...*”; *noting* in this respect that, according to the information with which the Minister of Human Rights provided Mr. Ndiwokubwayo, no compensation has been paid to the family of Mr. Gisabwamana, who was assassinated by a military officer, because no such request has so far been made,

1. *Thanks* Mr. Ndiwokubwayo and, through him, the authorities for the information supplied and their stated commitment to ensuring that justice is done in these cases;
2. *Notes with satisfaction* the steps taken to this end, in particular the setting up of a small parliamentary group to look into these cases; *wishes* to be kept informed of its work;
3. *Is confident* that Mr. Gisabwamana’s family will be granted the compensation to which it is entitled, and *would appreciate* confirmation of this;
4. *Requests* the Secretary General to convey this resolution to the competent authorities, inviting them to provide the requested information;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

### ***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Norbert Ndiwokubwayo of Burundi, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of the information provided by Mr. Ndiwokubwayo at the hearing held on the occasion of the Special Session of the Council (September 2002), in which he participated as a member of the Burundian delegation,

*Recalling* that attempts were made on Mr. Ndiwokubwayo’s life in 1994 and 1995, causing him to go into exile shortly thereafter; following the Arusha Peace and Reconciliation Agreement, all MPs in exile were invited to return to the country to assume their duties in the new Transitional National Assembly, and that as a result Mr. Ndiwokubwayo returned to Burundi in late December 2001 and has resumed his parliamentary duties,

*Considering* that, upon inquiry regarding his case with the competent authorities, it transpired that the investigation file concerning him in the Prosecutor General’s Office had disappeared; *recalling* that, according to information provided earlier, one of the persons who fired at him reportedly obtained a passport issued by the immigration services of the Government under a false name and has sought asylum in the Netherlands,

*Considering* that the President of the Transitional National Assembly has agreed to the setting up of a small group of MPs whose mandate would, in close cooperation with the Prosecutor General’s Office and the Minister for Human Rights and Relations with the Transitional National Assembly, include looking into Mr. Ndiwokubwayo’s case in order to establish responsibility for the attacks against him,

1. *Thanks* Mr. Ndiokubwayo and, through him, the authorities for the information supplied and for their stated commitment to ensuring that justice is done in this case;
2. *Notes with satisfaction* the steps taken to this end, in particular the setting up of a small parliamentary group, and *wishes* to be kept informed of its work;
3. *Once more urges* the authorities to investigate the allegation that one of Mr. Ndiokubwayo's attackers was provided with a false passport;
4. *Requests* the Secretary General to convey this resolution to the competent authorities;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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### CASE N° CMBD/01 - SAM RAINSY - CAMBODIA

#### *Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)*

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Sam Rainsy of Cambodia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Recalling* that, in March 1997, Mr. Sam Rainsy was the target of a grenade attack which killed a dozen persons and seriously injured some 100 others; the Special Representative of the United Nations Secretary-General for Human Rights in Cambodia reported serious abnormalities in security arrangements which suggested that the attackers had enjoyed the complicity of the security personnel, consisting of soldiers belonging to the personal guard of Mr. Hun Sen (report A/52/489, October 1997); they did not help the injured but rather pointed their weapons at those attacked, making no effort to arrest the attackers but - according to eyewitness reports - instead helping them to escape,

*Recalling* that the two Prime Ministers at the time, Mr. Hun Sen and Prince Norodom Ranariddh, at present Prime Minister and President of the National Assembly, respectively, pledged to bring the perpetrators to justice; *recalling further* that the Common Policy Programme concluded in November 1998 between the Cambodia People's Party (CPP) and the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) provides for combating impunity, a point which is also part of the General Programme of Policy presented by Prime Minister Hun Sen to the National Assembly on 30 March 1999,

*Considering* that, contrary to the undertaking of the authorities to bring the perpetrators of this heinous crime to justice and to set up an independent commission of inquiry, no such commission has ever been formed and the investigation, if any, has remained fruitless to date,

*Bearing also in mind* that Cambodia is a party to the International Covenant on Civil and Political Rights and thus bound to bring to justice perpetrators of violations of the rights guaranteed therein, such as the right to life and to security,

1. *Deplores* the lack of cooperation from the authorities, in particular the parliamentary authorities; *can but infer* from their lack of response that, contrary to their undertaking to combat impunity, they seem to have little or no interest in ensuring that the competent



- authorities fulfil their duty to identify and bring to justice those responsible for the heinous grenade attack;
2. *Deeply regrets* that the Cambodian Parliament has not availed itself of its oversight function to ensure that justice is done in this case, in order both to safeguard the rights of one of its members and preserve thereby the rights of all citizens it represents;
  3. *Is compelled to conclude*, given the inaction of the authorities and the persistent lack of any progress, that in failing to dispense justice in this case by identifying and prosecuting the culprits, the State of Cambodia is guilty, by omission, of a violation of Mr. Sam Rainsy's right to security and to justice;
  4. *Recalls* that, pursuant to Article 2, paragraph 3 (a), of the International Covenant on Civil and Political Rights, Mr. Sam Rainsy is entitled to an effective remedy; *calls on* the authorities, and particularly Parliament, to ensure compliance with this provision;
  5. *Expresses* the hope that the Cambodian Parliament will in future fully avail itself of its constitutional prerogatives and thus assume to the full its role as a guardian of human rights;
  6. *Requests* the Secretary General to bring this resolution to the notice of the competent parliamentary and other authorities, and of the sources;
  7. *Decides* to close this case.

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

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The 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 of the Senate of Cambodia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of a letter from the President of the Senate dated 20 August 2002 and of communications from the source dated 27 August 2002,

*Recalling* that, on 6 December 2001, the Senators concerned were expelled from their party, the Cambodian People's Party (CPP), on the grounds of "*wrongdoings*", and subsequently, without any notification or procedure, also from the Senate and their successors were sworn in on 12 December 2001; *considering* that, according to the source, Senator Siphon Phay learned about his expulsion from the Senate when he was stopped by the guards at the entrance to the Senate and informed that he was no longer welcome; as to Senator Chhang Song, he was inside the Senate compound when guards approached him to inform him that he was no longer allowed in,

*Considering* that, in his letter of May 2002, the Senate President reaffirmed his position, namely that "*our practices and law provide for the loss of seat in the Senate in case a member is fired by his/her party*", adding that "*democracy is in progress in Cambodia, but it is a fledgling democracy based on reconciliation and compromise between political parties, whereby they have power over individuals. Our election follows the proportional system in which the people vote for parties, not individuals. That is why the position held by the*

*individual member is linked to his/her party membership. In spite of certain flaws or ambiguities in our regulations as regards this case, the prevalent practices are based on the formula 'By the same way for the entry and exit ... unless these practices and laws are amended, we have no other choice at all' ...", a position which he reaffirmed in his letter of 20 August 2002, adding that "in the operation of the Cambodian Senate, freedom of expression and the democratic principles are well ensured. All Senators, especially those from the opposition, are able to express their contradictory opinions deliberately",*

*Considering also that, in response to its recommendation (para. 7 of the resolution adopted by the Council at its 170<sup>th</sup> session) that the Senate reconsider the decision to expel the Senators, the President replied that, according to the Senate's practices and Standing Orders, there was no procedure within the Senate to review such a case and that, moreover, the Senators had so far never filed a complaint in that respect; considering further, however, that, according to the source, on 5 January 2002 Senator Chhang Song filed a complaint with the Senate Committee on Human Rights and Complaints asking the Senate to reconsider the case, to apply due process of law and to compensate him and his family for the damage caused by the unlawful Senate decision; the Chairman of the Committee, Mr. Kem Sokha, reportedly sent copies of the complaint to all nine Senate Committees, in addition to which Senator Chhang Song himself sent copies of his complaint to the Secretary General of the Senate, Mr. Oum Sarith, to the Chairperson of the Senate Committee on Foreign Affairs, Information and the Media, Mrs. Ty Borasy, and to the Chairperson of the Senate Committee on Finance and Budget, Senator Chea Peng Chheang; however, Senator Chhang Song has reportedly received no answer to date; noting in this respect that Senator Chhang Song also appealed to the King, who responded by saying that "as a constitutional monarch, I reign and do not govern and cannot interfere with the political parties",*

*Considering further that, according to the President of the Senate, as stipulated in Article 136, only the Constitutional Council is competent to interpret the Constitution and that consequently only that body "can judge whether or not the Senate's measures conform to the Cambodian Constitution", specifying that "up to now, no complaint has been lodged by any individual or institution against the dismissal of Mr. Chhang Song, Mr. Phay Siphon and Mr. Pou Savath with the Constitutional Council"; considering finally that, according to the source, an individual can do so only once a case has been decided by the Supreme Court; otherwise, only a group of Senators could refer such a case to the Council; and noting in this respect that Articles 140 and 141 of the Constitution entitle the King, the Prime Minister, the President of the National Assembly, one tenth of the Assembly's members, the President of the Senate and one quarter of the Senators to refer draft laws to the Council, and they may request a review of the constitutionality of laws adopted,*

*Recalling that, according to the Senate President, the Senators concerned accepted the CPP's decision to dismiss them without complaint and were advised to refer their complaint to the Cambodian courts; and considering that, according to the source, Senator Chhang Song intended to lodge a complaint but had so far been unable to find a competent lawyer willing to work with him on the case,*

*Recalling also that the source believes that the grounds for the expulsion of the Senators concerned were their criticism, in Parliament, of the Criminal Code Bill, as it was instrumental in the defeat of the Bill, as a result of which they were strongly criticised by the CPP leadership, which reportedly perceived their intervention as a concerted effort to defeat the policy of the Party; and considering in this respect that, according to the Senate President, other CPP Senators and members also criticised the Bill, which shows that their expulsion has nothing to do with what they said in Parliament,*

*Recalling further that neither the Constitution nor the Senate Standing Orders provide for expulsion from the Senate and do not lay down the grounds and procedure therefore; noting more specifically that neither the Constitution nor the Senate Standing Orders provide for expulsion from the Senate as a result of expulsion from a party; noting also that the Senate Standing Orders merely lay down a procedure in disciplinary matters requiring, in the case of a written reprimand with temporary expulsion, a two-thirds majority vote of the Senate; they in no way authorise the replacement of a Senator on the ground of loss of party membership,*

*Bearing in mind that Article 51 of the Constitution stipulates that: "The Kingdom of Cambodia adopts a policy of Liberal Democracy and Pluralism. The Cambodian People are the masters of their own*

country. All power belongs to the people; Article 31 of the Constitution states that: “The Kingdom of Cambodia shall recognise and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights”; that one major international human right is freedom of expression, enshrined in Article 41 of the Constitution, and that, in keeping with this right, Article 104 of the Constitution guarantees parliamentary non-accountability for members of the Cambodian Parliament and establishes a procedure to protect Senators against any breach thereof,

1. *Thanks* the President of the Senate for his observations and consistent cooperation;
2. *Observes nevertheless* that none of the observations and information he submitted disprove the Committee’s conclusions, namely that, in the absence of any constitutional or statutory provisions regarding the expulsion or dismissal of members of the Senate on the grounds that their political party has expelled them, the dismissal from the Senate of Mr. Chhang Song, Mr. Siphon Phay and Mr. Pou Savath is unlawful;
3. *Wishes to stress* the following in particular: it is a distinctive feature and common rule of liberal pluralist democracies, such as Cambodia’s, whatever election system, proportional or otherwise, they apply, that political parties cannot revoke the parliamentary mandate unless this is expressly stipulated by law and governed by a specific procedure;
4. *Emphasises* that a “*practice*” cannot be invoked to justify a procedure which is not provided for by law, particularly when such grave issues as revocation of a parliamentary mandate are involved;
5. *Disapproves* in the strongest terms of a “*practice*” which does not provide for the persons concerned to exercise their right to defend themselves, and does not provide for due notification of a decision of such gravity as expulsion from a legislative body;
6. *Believes* that it is essential for any fledgling democracy strictly to adhere to the rule of law and respect for human rights and to avoid recourse to “*practices*”, as they open the door to arbitrariness;
7. *Notes* that, along with the highest State authorities, the Senate President or one quarter of the members of the Senate can seek an interpretation of the Constitution, including of the term “*disqualification*” in Article 115, and *invites* the authorities to make use of this “*choice*”;
8. *Notes* that Senator Chhang Song has submitted a complaint to the Senate Committee on Human Rights and the Reception of Complaints and informed other Senate Committees thereof, and *wishes to ascertain* what action has been taken on it;
9. *Reaffirms* that in making the statements against the Criminal Code Bill, as brought to its attention, the Senators concerned were defending human rights and democratic principles and fulfilling their role as guardians of human rights;
10. *Consequently urges* the Senate to take remedial action without further delay to prevent such occurrences in the future and thus ensure that all members of Parliament may, without fear of retaliation, exercise their freedom of speech essential to fulfilment of their mandate as representatives of the people;
11. *Asks* the Secretary General to convey this resolution to the King, to the President of the Senate and to the Prime Minister of Cambodia, requesting them to take these matters into urgent account; *also asks* him to convey the decision to the United Nations human rights bodies and other competent organisations;
12. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of the letters from the Director of the Presidential Programme on Human Rights and International Humanitarian Law dated 19 June and 17 September 2002,

*Recalling* that the MPs concerned were all assassinated between 1986 and 1994 and that only in the case of Senator Cepeda Vargas have the murderers been identified, brought to trial and sentenced; *recalling also* that at first and second instance, former paramilitary leader Carlos Castaño Gil, who had been indicted as the presumed instigator of the crime, was acquitted; *recalling further*, however, that Carlos Castaño has acknowledged in his book *"My Confession"* (December 2001) having ordered and personally led the commando which assassinated Manuel Cepeda, and that the book has been forwarded as evidence of Carlos Castaño's guilt to the Supreme Court before which the Cepeda murder case is currently pending,

*Recalling further* that Senator Cepeda's son and daughter-in-law went into exile following death threats which started in December 1999; *considering* that, according to information provided by the Director of the Presidential Programme on Human Rights and International Humanitarian Law, the investigations have so far remained fruitless and are at the stage of evidence-taking; on 11 February 2002, Mr. Cepeda's son and daughter-in-law were summoned to appear before the Prosecutor's Office to provide further information but have not presented themselves,

*Recalling finally* that the wife and daughter of the main witness in the Cepeda case were kidnapped and that the authorities reported at the time that they were looking into the facts and that, according to the source, the Human Rights Unit of the Prosecutor General's Office had taken measures to prevent the kidnapping of the second daughter; however, the Director of the Presidential Programme on Human Rights and International Humanitarian Law stated on 19 June 2002 that *"it has not been possible to find in the Prosecutor General's Office any file on this case"*, which he confirmed on 17 September 2002 while stating that *"we continue to collaborate with the Prosecutor General's Office to find this information"*,

*Considering* that, according to the aforesaid Director, Carlos Castaño and his brother Fidel were found guilty by a criminal court on 28 November 2001 of the murder of Senator Jaramillo; the investigation into the presumed participation of members of the Administrative Department of Security (DAS) is in the preliminary phase; *considering*, however, that, according to that Director in his letter of 17 September 2002, the investigations into the murders of Mr. Jiménez Obando, Mr. Posada Pedraza, Mr. Vargas Cuéllar and Mr. Valencia Giraldo have been provisionally suspended as it was not possible to identify the culprits; *considering also* that, according to the same communication, the subcommittee set up in 1999 to investigate crimes committed against *Unión Patriótica* members was seeking to carry out special action to elucidate the cases in coordination with members of the *Unión Patriótica*, the Prosecutor General's Office and other entities,

*Noting* the report of the United Nations High Commissioner for Human Rights of 28 February 2002 (E/CN.4/2002/17), which concludes that: “There was a noticeable gap between the Government's tough discourse against the paramilitary groups and both its actions and failure to assess the extent of public servants' ties to these groups” and “the impunity that protects those responsible for paramilitary acts, owing to acts of commission or omission, and the limited effectiveness of the State's mechanisms for combating these groups, in large measure account for their increased strength”,

*Recalling* that the former parliamentary authorities responded positively in January 2002 to the prospect of an on-site mission concerning the cases of Colombian parliamentarians under the Committee's examination, but that a change in the political climate prevented the mission from taking place as scheduled; *noting* that a new Congress and Government have since been installed,

1. *Thanks* the Director of the Presidential Programme on Human Rights and International Humanitarian Law for his cooperation and the information provided;
2. *Notes with satisfaction* that the murderers of Senator Jaramillo were sentenced; *affirms*, however, that sentences lack any practical effect if no serious measures are taken to ensure their implementation; *urges* the authorities to do their utmost to apprehend the murderers, and to persist in their efforts to shed full light on any possible participation of State agents in the murder;
3. *Fails to understand* that Senator Cepeda's son and daughter-in-law, whose exile abroad was arranged with the assistance of the authorities, were requested to appear before the prosecution to present further information; *calls on* the authorities to contact them at their current residence in order to advance justice in this case;
4. *Is alarmed* that there is no trace of an investigation into the kidnapping of the wife and daughter of the main witness in the Cepeda case; *urges* the authorities to determine their whereabouts without delay;
5. *Is deeply concerned* at the suspension of the investigations into the murder of Mr. Jiménez Obando, Mr. Posada Pedraza, Mr. Vargas Cuéllar and Mr. Valencia Giraldo, which confirms that no progress has been made towards identifying and punishing the culprits;
6. *Forcefully recalls* that States are under an obligation to make every effort to ensure that human rights violations do not go unpunished, irrespective of how long ago they were committed; *urges* the Colombian authorities to turn their expressed commitment to fighting impunity into effective action;
7. *Reiterates its belief* that, given the number and magnitude of the cases and the fact that most of them have come to a standstill, the grounds for the earlier proposed on-site mission to gather information from the competent parliamentary, governmental, administrative and judicial authorities, as well as from the sources, competent lawyers and human rights organisations concerned, remain fully valid;
8. *Requests* the Secretary General therefore to contact the new parliamentary authorities with a view to an on-site mission as early as possible; *is confident* that the new Congress will likewise respond favourably to this request and will make every effort to ensure that it can go ahead as early as possible;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003) in the light of such information as the mission may have gathered.

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

### *Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)*

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Senator Hernán Motta Motta of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

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

*Recalling also* that the former Human Rights Office of the Vice-Presidency of the Republic reported on 28 April 2000 that the investigation into the death threats was being conducted by the Special Prosecutor of Bogotá and was still at the preliminary stage,

*Taking account* of the communication from the Director of the Presidential Programme on Human Rights and International Humanitarian Law of 17 September 2002, according to which the Prosecutor's Office, that is the 242 Anti-Abduction Unit of the Regional Directorate of Public Prosecutions of Bogotá, is carrying out preliminary investigations in this case, registered under N° 444247,

*Noting* the report of the United Nations High Commissioner for Human Rights of 28 February 2002 (E/CN.4/2002/17), which concludes that: *“There was a noticeable gap between the Government's tough discourse against the paramilitary groups and both its actions and failure to assess the extent of public servants' ties to these groups”* and *“the impunity that protects those responsible for paramilitary acts, owing to acts of commission or omission, and the limited effectiveness of the State's mechanisms for combating these groups, in large measure account for their increased strength”*,

*Recalling* that the former parliamentary authorities responded positively in January 2002 to the prospect of an on-site mission concerning the cases of Colombian parliamentarians under the Committee's examination, but that a change in the political climate prevented the mission from taking place as scheduled; *noting* that a new Congress and Government have since been installed,

1. *Thanks* the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the information provided;
2. *Notes* that an investigation into the death threats is still under way; *remains nevertheless deeply concerned* that, five years after Mr. Motta's exile, any tangible progress towards identifying and punishing the perpetrators has yet to be reported, despite strong leads suggesting Carlos Castaño to be the mastermind;
3. *Recalls* that States are under an obligation to make every effort to ensure that human rights violations do not go unpunished and that, in the case of a lack of resolve on the part of the authorities to bring the culprits to justice, they bear indirect responsibility for those crimes;
4. *Urges* the authorities, in particular the newly elected Congress, to ensure that their expressed commitment to fighting impunity is matched by effective action, and to keep it informed of any initiatives to that end;

5. *Reiterates its belief* that, for want of any real progress in this case, the grounds for the earlier proposed on-site mission to gather information from the competent parliamentary, governmental, administrative and judicial authorities remains fully valid;
6. *Requests* the Secretary General therefore to contact the new parliamentary authorities with a view to an on-site mission as early as possible; *is confident* that the new Congress will likewise respond favourably to this request and will make every effort to ensure that it can go ahead as early as possible;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003) in the light of such information as the mission may have gathered.

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

### *Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)*

The 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/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Recalling* that Ms. Córdoba was kidnapped and held captive from 21 May to 4 June 1999 and that Mr. Carlos Castaño Gil, at that time head of the paramilitary "Autodefensas Unidas de Colombia" (AUC), subsequently admitted his group's responsibility for the kidnapping; upon Ms. Córdoba's release, her telephone conversations were tapped and transcripts of them published in the media, jeopardising her personal safety,

*Recalling also* that Ms. Córdoba went into exile after reporting to the media on 9 September 1999 the existence of a plan to kill her, asserting that those behind the plan were extreme right-wing military; in the investigations launched by the Attorney General into the kidnapping and death threats "Carlos Castaño's name came up"; investigations have also been launched into the telephone taps; Ms. Córdoba returned to Colombia in February 2002 and was re-elected in the parliamentary elections of March 2002,

*Taking account* of the information provided by the Director of the Presidential Programme on Human Rights and International Humanitarian Law on 19 June 2002, according to which "on 7 November 2000 the preventive detention of Mr. Carlos Castaño Gil was ordered for the crime of aggravated kidnapping for the purpose of extortion; the case is at the stage of evidence-taking with respect to establishing whether a second perpetrator was involved",

*Noting* the report of the United Nations High Commissioner for Human Rights of 28 February 2002 (E/CN.4/2002/17), which concludes that: "There was a noticeable gap between the Government's tough discourse against the paramilitary groups and both its actions and failure to assess the extent of public servants' ties to these groups" and "the impunity that protects those responsible for paramilitary acts, owing to acts of commission or omission, and the limited effectiveness of the State's mechanisms for combating these groups, in large measure account for their increased strength"; recalling that in her report of 2001, the High Commissioner pointed out that "Carlos Castaño Gil had gained public visibility in the national and international media with disconcerting ease and that while paramilitary operations were still on the rise, they had not encountered any governmental action aimed at stopping them",

*Recalling* that the former parliamentary authorities responded positively in January 2002 to the prospect of an on-site mission concerning the cases of Colombian parliamentarians under the Committee's examination, but that a change in the political climate prevented the mission from taking place as scheduled; *noting* that a new Congress and Government have since been installed,

1. *Thanks* the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the information provided;
2. *Notes* that Mr. Carlos Castaño's preventive detention has been ordered in connection with Ms. Córdoba's kidnapping; *is nevertheless alarmed* that, almost two years after its issuance, the order has yet to be implemented and that no progress has been reported in the investigations into the death threats, even though Ms. Córdoba has provided clear indications as to who may have issued them;
3. *Recalls* that States are under an obligation to make every effort to ensure that human rights violations do not go unpunished, and *once more urges* the authorities, in particular the newly elected Congress, to ensure, as their duty commands, that their commitment to fighting impunity is matched by effective action to bring to trial the culprits of the kidnapping and death threats which Ms. Córdoba suffered;
4. *Reiterates its belief* that, for want of any real progress in this case, the grounds for the earlier proposed on-site mission to gather information from the competent parliamentary, governmental, administrative and judicial authorities, as well as the source, competent lawyers and human rights organisations concerned, remain fully valid;
5. *Requests* the Secretary General therefore to contact the new parliamentary authorities with a view to an on-site mission as early as possible; *is confident* that the new Congress will likewise respond favourably to this request and will make every effort to ensure that it can go ahead as early as possible;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003) in the light of such information as the mission may have gathered.

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

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Oscar Lizcano of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Having before it* the case of Mr. Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms. Gloria Polanco de Lozada and Ms. Consuelo González de Perdomo, all members of the Colombian Congress, 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/171/12(a)-R.1), which contains a detailed outline of the case,

*Considering* the wave of kidnappings of political figures in Colombia, which have included former Senator and presidential candidate Ms. Ingrid Betancourt, in addition to members of local and regional assemblies, by the Revolutionary Armed Forces of Colombia (FARC), Colombia's main guerrilla group,

*Considering* that six members of the Colombian Congress were kidnapped by FARC between 5 August 2000 and 23 February 2002 and that the sources have provided the following specific information on each one of them:

- Mr. Lizcano was kidnapped by FARC on 5 August 2000 in Riosucio (Province of Caldas); on 15 June 2002, Mr. Lizcano's family received a letter from him confirming earlier information that his health, for want of any medical assistance, had worsened considerably as he suffered from serious skin and stomach problems, dizziness resulting in loss of consciousness, and malaria;
- Mr. Gechen Turbay, Senator and head of the Senate's Peace Commission, was kidnapped on 20 February 2002 after four armed FARC members hijacked the plane he had boarded for Bogotá and forced the pilots to land on a secluded road;
- On 10 June 2001, Senator Radio Pérez was kidnapped by FARC; according to the source, Mr. Pérez is a diabetic and suffers from high blood pressure; in October 2001, he went into a diabetic coma, which FARC reportedly confirmed; since January 2002 there has been no sure evidence that he is still alive;
- Mr. Orlando Beltrán Cuéllar was kidnapped by FARC on 28 August 2001 in the municipality of Gigante-Huila while attending to a political engagement; there has been no sure evidence since February 2002 that he is still alive;
- Ms. Gloria Polanco de Lozada was kidnapped by FARC on 26 July 2001 from her apartment in Neiva-Huila, along with her two children, Jaime Felipe and Juan Sebastián, aged 17 and 14, respectively; there has not been any indication as to whether they are still alive;
- Ms. Consuelo González de Perdomo was abducted by FARC on 10 September 2001 in Pitalito-Huila; there has been no sure evidence since February 2002 that she is still alive,

*Noting* that the Director of the Presidential Programme on Human Rights and International Humanitarian Law reported on 19 June and 17 September 2002 that:

- the authorities' efforts and action taken to establish the whereabouts of Mr. Lizcano had been to no avail, and that the Prosecutor of the GAULA (military and police anti-kidnapping unit) of Manizales was carrying out investigations (Case N° 93486), which were still in a preliminary phase pending determination of the legal status of two FARC members who had been declared absent;
- the investigation launched by the National Human Rights and International Humanitarian Law of the Prosecutor General's Office (file N° 1169) into Mr. Gechen's kidnapping was in a preliminary phase; that, moreover, the Administrative Department of Security (DAS) and the Prosecutor of the Support Unit of Neiva were also entrusted on 22 April 2002 with carrying out judicial action,

*Recalling* that the former Colombian Government under President Pastrana was engaged in a process of negotiation with FARC during which both sides signed an agreement on 2 June 2001 concerning an exchange of sick rebels for kidnapped government soldiers, which led to a first release on 17 June 2001 and a second release of 250 police officers and soldiers at the end of July 2001; *recalling also* that the Government broke off that process on 20 February 2002 after FARC hijacked an aircraft and kidnapped Senator Gechen,

*Noting* that according to one of the sources, FARC fixed in February 2002, shortly after kidnapping Ms. Betancourt, a one-year deadline for the Government to reach a humanitarian agreement on the exchange of imprisoned members of FARC for politicians held by it; that, failing such an agreement by February 2003, FARC would decide on the fate of its captives,

*Considering* that, according to information provided by the Colombian delegation to the Special Session of the Council (September 2002), Congress had denounced the kidnappings and requested the Minister of the Interior and the head of the police corps to provide the necessary protection for all Congress members; while Congress earlier participated in a dialogue with FARC through the National Council for Peace, which also included representatives of the Church, civil society and labour unions, it was not possible to continue the process under President Pastrana's Government, given its decision to channel all such contacts through the High Commissioner for Peace,

*Recalling* that the former parliamentary authorities responded positively in January 2002 to the prospect of an on-site mission concerning the cases of Colombian parliamentarians under the Committee's examination, but that a change in the political climate prevented the mission from taking place as scheduled; *noting* that a new Congress and Government have since been installed,

1. *Thanks* the Colombian delegation and the Director of the Presidential Programme on Human Rights and International Humanitarian Law for the information provided;
2. *Strongly condemns* the kidnappings of the MPs concerned as they not only constitute a violation of their fundamental human right to liberty, to security, to personal integrity and to freedom of movement, but also amount to an attack on Parliament as such;
3. *Is deeply concerned* that all of them except Senator Gechen have now been in the hands of the guerrillas for more than one year, with Mr. Lizcano and Mr. Pérez being in poor health, and there is no indication as to the fate of the others;
4. *Recalls* that it is the primary duty of the Colombian State to guarantee the genuine enjoyment, by everyone, of fundamental human rights and freedoms throughout the country; *therefore calls* on the Colombian Congress to do its utmost to ensure that effective action is taken to ascertain the fate of its members concerned and to obtain their release;
5. *Notes* in this respect that investigations are under way into the kidnapping of Mr. Lizcano and Mr. Gechen; *would appreciate* information as to any progress made and whether investigations into the other kidnappings have been launched;
6. *Considers* that, given the magnitude and gravity of these kidnappings, the need for the earlier proposed on-site mission with a mandate to meet the competent parliamentary and governmental authorities, the sources and any other entities possibly able to assist in finding a satisfactory solution, has become all the more acute;
7. *Requests* the Secretary General therefore to contact the new parliamentary authorities with a view to an on-site mission as early as possible; *is confident* that the new Congress will likewise respond favourably to this request and make every effort to ensure, in the light of the deadline set by FARC, that it can be carried out as early as possible;

8. *Urges* the authorities meanwhile to endeavour to arrange for the International Committee of the Red Cross to obtain access to the kidnapped parliamentarians in order to provide them with the necessary medical assistance;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003) in the light of such information as the mission may have gathered.

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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 Council at its 171<sup>st</sup> Session***  
***(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member of the National Congress of Ecuador, respectively, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account of* the information provided on 13 August 2002 by the Prosecutor General, including a copy of the summing-up for the prosecution, and on 5, 8 and 13 August and 3 and 19 September 2002 by the Special Commission of Inquiry (CEI),

*Recalling* that the two MPs concerned and their assistant, Mr. Wellington Borja Nazareno, were shot dead on 17 February 1999 in the vicinity of the National Congress; the preliminary police report concluded that the motive for the killing was Mr. Hurtado's links with the Colombian guerrilla movement; however, the Special Commission of Inquiry set up by Executive Decree 636 of 25 February 1999 to establish the truth has gathered evidence suggesting that Mr. Hurtado's investigations into corruption cases involving high-profile figures from both business and political circles may have been the motive for the crime; Mr. Aguirre, Mr. Merino and Mr. Ponce were arrested immediately after the murder and sentenced in August 2000 by the Pichincha Court to six years' imprisonment for criminal association for their participation in the crime as accessories,

*Considering* that the prosecution only summed up on 19 July 2002, after two prosecutors had refused to do so and a third one had been replaced, and concluded that Mr. Aguirre and Mr. Ponce were accountable as perpetrators of the murder and Mr. Merino as an accessory; the CEI has strongly criticised these conclusions, which it considers to be inaccurate and incomplete, and more importantly, failed to take into account the evidence suggesting *inter alia* the participation of a third person, Mr. Contreras, in the crime and the role played by certain police officers in relation to the crime; the CEI reported on 19 September that its President would intervene the following day in a crucial judicial hearing which he had requested,

*Recalling* that by 18 May 2001, all three accused had been granted early release in the criminal association judgment and that Mr. Ponce and Mr. Aguirre have since failed to appear before the investigating judge; *recalling* that, in her letter of 25 September 2001, the Prosecutor General reiterated her continuing determination to bring to justice those responsible for the triple murder,

*Recalling* that on 21 February 2002 Mr. Marcelo Andocilla López, the Commission's adviser, presented his report *Crime and Silence* to Congress; the following day he was intercepted by two vehicles and, after being blindfolded and beaten by three men, left unconscious in the *Metropolitano* park; on 4 March 2002, the President of the Commission requested the Prosecutor in Pichincha to investigate the matter and punish the perpetrators of the crime,

*Recalling* finally that, despite two Congress resolutions requesting it to pay pensions to the families of the victims in accordance with past practice, the Government has failed to do so, claiming that no corresponding budgetary provision had been made,

1. *Thanks* the Prosecutor General for the information provided; *deeply regrets* that it does not address the attack on the Special Commission's adviser, and therefore *reiterates its wish* to ascertain whether an investigation has been instituted and to be informed of any results;
2. *Takes note with satisfaction* that the prosecution has finally summed up; *is alarmed* however at the observations made by the CEI that the indictment is inaccurate and incomplete, thereby adding further weight to fears that the trial may fail to establish the full truth;
3. *Fails to understand* that the Prosecution has, throughout the investigations and in its final conclusions, disregarded many of the recommendations coming from a body set up by the Government for the sole purpose of shedding light on the murder;
4. *Is shocked* that, given what is now known about the line of inquiry on which it relied, the prosecution, before granting Mr. Aguirre, Mr. Ponce and Mr. Merino early release, did not take measures to ensure that they would obey court summons and stand trial; *wishes to ascertain* whether such measures have meanwhile been taken;
5. *Notes* that a special judicial hearing took place on 20 September 2002; *wishes to ascertain* its outcome, and *would appreciate* information about the progress of the trial proceedings;
6. *Deeply regrets* the continued lack of response of the parliamentary authorities for more than two years; *calls once again* on the National Congress, in particular its Human Rights Committee, to lend its full support to the CEI in this crucial phase of the proceedings;
7. *Recalls* that, in accordance with generally accepted standards of human rights, the families of victims are entitled to adequate material compensation; *therefore urges* the Government to act without further delay on the two resolutions from the National Congress requesting it to pay pensions to the victims' families;
8. *Requests* the Secretary General to convey this resolution to the President of the Republic, the President of the National Congress, the Minister of Justice, the Prosecutor General, the Special Commission of Inquiry and the source;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Lamin Waa Juwara, a former member of the House of Representatives of the Gambia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of the information provided by one of the sources on 13 August 2002,

*Recalling* the following elements on file:

- Owing to Section 13 of Schedule 2 to the 1997 Constitution, which guarantees officers of the former Armed Forces Provisional Ruling Council (AFPRC) immunity from prosecution in respect of any act or omission in the performance of their official duties, Mr. Juwara cannot obtain compensation for the many arbitrary arrests and detentions he suffered under AFPRC rule;
- Mr. Juwara was re-arrested in May 1998 and, while in the hands of the police, beaten up by a person whose identity is a matter of public knowledge, Mr. Baba Jobe; medical evidence attesting the torture has been provided; however, the authorities have taken no action on his complaint;
- A case brought against him and others for allegedly damaging construction works at the Brikama Mosque was dismissed by the trial judge in July 1998; the Attorney General lodged an appeal which he later withdrew against all defendants except Mr. Juwara, reportedly because the latter intended to file a counter action of unlawful arrest, torture and detention; by mid-August 2002 the case had not been heard;
- On 20 October 2001, Mr. Juwara's home was the target of an arson attack reportedly committed by members of the AFPRC Youth Wing; a complaint he filed with the police has not been acted upon; he is reportedly subject to continuous surveillance and fears for his life,

*Recalling* that the Gambia is a party to the International Covenant on Civil and Political Rights (ICCPR), Article 2, paragraph 3, of which guarantees the right to an effective remedy of any person whose rights or freedoms under the Covenant have been violated, and enshrines in Articles 7 and 9, paragraphs 1 and 5, respectively, the right to freedom from torture, the right to liberty and the right to compensation of anyone who has been a victim of unlawful arrest or detention,

*Bearing in mind* that the Vienna Declaration and Programme of Action which the international community adopted at the World Conference on Human Rights in 1993 stipulate that *'States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law'*; *bearing in mind* also that impunity itself constitutes a violation of international law,

1. *Deplores* the lack of cooperation from the authorities, in particular the new Parliament;
2. *Can but infer* from this that the allegations before it are indeed true, which may well compel it to conclude that the authorities are indeed guilty of a violation of Mr. Juwara's human rights, in particular (i) his right to liberty and to compensation for the arbitrary arrests he suffered; (ii) his right to freedom from torture and his right to justice, the authorities failing to act on his legitimate complaints; and (iii) his right to equal treatment before the law, the authorities arbitrarily failing to withdraw a case against him;
3. *Considers* that in patently failing to investigate complaints about such serious criminal acts as torture and arson attacks, particularly when the identity of the culprits is a matter of public knowledge, the authorities may well become accomplices in the crimes in question;
4. *Calls yet again* on the authorities, in particular Parliament as a guardian of human rights, to take action so as to ensure compliance with the obligations of the Gambia under the ICCPR, and to remedy the abuses suffered by Mr. Juwara;
5. *Once more urges* Parliament to this end to abrogate Section 13 of Schedule 2 to the 1997 Constitution, which enshrines impunity and prevents Gambian citizens, including Mr. Juwara, from obtaining the redress to which they are entitled for the human rights violations they suffered;

6. *Requests* the Secretary General to convey this resolution to the parliamentary and governmental authorities, as well as to Mr. Juwara, and *also requests* the Secretary General to forward it to the competent United Nations human rights bodies, the Commonwealth Secretariat and the European Parliament;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

#### ***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Omar Jallow of the Gambia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of a communication from one of the sources dated 4 September 2002,

*Recalling* that Mr. Omar Jallow was arbitrarily detained from October 1995 to 4 November 1996; he has abandoned his claim for compensation on account of Section 13 of Schedule 2 to the 1997 Constitution, which grants immunity from prosecution for all office-holders of the former Armed Forces Provisional Ruling Council (AFPRC),

*Considering* that, according to information provided by one of the sources, two immigration officers visited Mr. Jallow on 22 March 2002 at his residence and informed him, without offering any explanation, that they had been instructed by the Director of Immigration to collect his passport; Mr. Jallow's lawyer repeatedly asked - to no avail - the said Director, the Attorney General and Secretary of State for Justice to return the passport; by decision of 8 July 2002, the High Court of the Gambia ordered the authorities to return the passport immediately to Mr. Jallow upon receipt of the order; the order has so far been ignored by the Secretary of State for Justice and Secretary of State for the Interior, so that Mr. Jallow cannot travel abroad,

*Bearing in mind* that the Gambia is a party to the International Covenant on Civil and Political Rights (ICCPR), Article 2, paragraph 3, of which guarantees the right to an effective remedy for any person whose rights or freedoms under the Covenant have been violated, and enshrines the right to liberty and the right to compensation for anyone who has been the victim of unlawful arrest or detention, in its Article 9, paragraphs 1 and 5, respectively, and in its Article 12 the right to freedom of movement,

*Recalling* that the Vienna Declaration and Programme of Action which the international community adopted at the World Conference on Human Rights in 1993 stipulate that *"States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law"*; *bearing in mind* that impunity itself constitutes a violation of international law,

1. *Is appalled* to learn that the authorities have ignored a court order; *recalls* that failure to perform court orders constitutes contempt of court and undermines the very basis of the rule of law;
2. *Points out* that the order issued by the High Court aims to ensure respect for the right to freedom of movement guaranteed under the Constitution of the Gambia and the ICCPR;

*strongly urges* the authorities to implement the order without further delay by returning Mr. Jallow's passport; *calls on* Parliament to avail itself of its oversight function to ensure that the order is implemented without further delay;

3. *Deplores* the lack of cooperation from the authorities, in particular the new Parliament, which may well compel it to conclude that, in failing to abrogate the constitutionally enshrined impunity, the authorities of the Gambia are guilty of a violation of Mr. Jallow's right to remedy for the arbitrary arrests and detention he suffered under AFPRC rule;
4. *Calls once again* on Parliament to take action to remedy this situation, convinced as it is that Parliament is uniquely positioned to hasten a settlement in this case;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and governmental authorities and to Mr. Jallow, and also to the competent United Nations human rights bodies, the Commonwealth Secretariat and the European Parliament;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

#### ***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Alpha Condé, a member of the National Assembly of Guinea, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Recalling* that Mr. Alpha Condé, President of the *Rassemblement du Peuple de Guinée* - RPG (Guinean People's Rally), at the time of the submission of the complaint a member of the National Assembly and a candidate in the presidential elections of December 1998, was arrested on 15 December 1998, prior to the announcement of the provisional election results, *in flagrante delicto* and hence without any previous lifting of his parliamentary immunity, for "attempting to leave the country clandestinely" and "assault and battery on members of the public order force"; he was charged in January 1999 with "attempt to cross borders, fraudulent export of foreign currency, attempt to recruit mercenaries and breach of State security"; an on-site mission the Committee carried out in January 2000 noted serious irregularities and violations of the Code of Penal Procedure during the investigation (mission report CL/166/16(c)-R.3); found guilty of all the charges against him, he was sentenced, on 11 September 2000, to five years' imprisonment after a trial which, as the IPU observers concluded, patently failed to meet international and national standards of fair trial (trial observer report CL/167/12(c)-R.3); on 18 May 2001, Mr. Condé was released after being pardoned by the President of Guinea, Mr. Lansana Conté,

*Recalling* that there exists ample public testimony of the fact that witnesses and co-accused in the trial were tortured without the authorities ever bringing to justice those responsible for such torture, identified by the victims,

*Recalling* that documentary evidence was provided of the fact that the Government of Guinea had recruited Liberian rebels to testify against Mr. Condé,

*Recalling* that, after his release, Mr. Condé took part in sittings of the National Assembly and resumed his political activities, but did not stand in the parliamentary election of June 2002,

1. *Deeply regrets* the persistent lack of cooperation and response from the executive authorities of Guinea, particularly given the serious issues involved;
2. *Is therefore compelled to conclude* that in arresting Mr. Condé on the spurious ground of “*flagrante delicto*”, in prosecuting and sentencing him on fabricated charges and in failing to provide redress, the authorities of Guinea are guilty of a violation of Mr. Condé’s parliamentary immunity as guaranteed in Article 52 of the Constitution of Guinea, and of a violation of his right to liberty and to fair trial as guaranteed in Article 9 of the Constitution, Articles 9 and 6 of the International Covenant on Civil and Political Rights, and Articles 14 and 7, respectively, of the African Charter on Human and Peoples' Rights, to both of which Guinea is a party;
3. *Affirms* that, in failing to institute an investigation into the testimony given in court as to the use of torture against witnesses and co-accused in the trial and in failing to provide redress for the victims of such torture, the authorities have failed in their obligation under Articles 12, 13 and 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Guinea is a party;
4. *Stresses* that a “*judgment*” handed down after a patently rigged trial can have no legal force and must be deemed null and void;
5. *Calls on* the competent authorities, in particular the Head of State, to ensure that the authorities meet their obligations under the Constitution and the international human rights treaties that Guinea has ratified, and that they provide the required redress for victims of human rights violations;
6. *Requests* the Secretary General to inform the authorities and the sources accordingly, and to convey this resolution to international and regional human rights bodies and institutions;
7. *Decides* to close the case.

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

### *Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)*

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Miguel Angel Pavón Salazar of Honduras, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account of* the communications from the President of the National Congress, dated 8 May 2002 (received on 25 June 2002), and from the Office of the National Commissioner on Human Rights, dated 29 May and 3 September 2002,

*Recalling* that the investigation into Mr. Pavón’s murder was reopened in July 1996 owing to the insistence of the National Congress and led to the identification of Mr. Rosales and Mr. Quiñones as presumed culprits; however, apart from the issuing, on 5 June 2000, of an international arrest warrant for Mr. Rosales and a request of 23 August 2000 to the General Directorate of Population and Migration for data on his migration movements, no other investigative action has been taken; as regards Mr. Quiñones, he lost his life in an accident during Hurricane Mitch and was officially declared dead on 19 September 2000, the cause of death being established as “*drowning*”,



*Considering* that, at the instance of the Chairman of Parliament's Human Rights Committee, Mr. Orle Solís, a meeting took place on 27 May 2002 between the Office of the National Human Rights Commissioner, the Special Human Rights Prosecutor and Mr. Solís with a view to reactivating the investigation in this case; it was agreed to coordinate action and information to this end and to discuss a joint work plan; the Office of the Special Human Rights Prosecutor undertook: (i) to obtain information on the outcome of the inquiry into Mr. Rosales's migratory movements; (ii) to take official note of the issuing of the international arrest warrant; (iii) to obtain more information on the physical appearance of Mr. Rosales; (iv) to request assistance from the Office of the Secretary of State in order to establish his whereabouts in the United States; (v) to instruct the competent Prosecutor with regard to the proper monitoring of the investigation; and (vi) to coordinate efforts with the Office of the Human Rights Commissioner and Parliament's Human Rights Committee,

*Noting* that on 3 September 2002 the Office of the National Commissioner for Human Rights reported that, in the light of conflicting information as to whether Interpol had actually received the international arrest warrant issued in 2000 by the Third Criminal Chamber of San Pedro Sula for Mr. Jaime Rosales, a new warrant was issued on 6 August 2002; on 20 August 2002, the Office of the National Commissioner for Human Rights requested Interpol to keep it informed of any follow-up steps taken,

1. *Thanks* the President of the National Congress and the National Human Rights Commissioner for their spirit of cooperation in pursuit of the truth in this case and for the valuable information provided;
2. *Is gratified* that Congress, largely responsible for the reopening of the case in 1996, has decided to lend fresh impetus to Mr. Pavón's case, and *is confident* that the efforts and insistence of Congress will bear fruit and ultimately ensure that justice is fully done in this case;
3. *Notes with satisfaction* the steps taken to locate and apprehend Mr. Rosales, and *would appreciate* being kept informed of any progress made in the investigation;
4. *Requests* the Secretary General to bring this resolution to the attention of the National Congress, including its Human Rights Committee, the Office of the National Human Rights Commissioner and the Special Human Rights Prosecutor;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

### ***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)***

The 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/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Recalling* that Mr. Tengku Nashiruddin Daud, outspoken Vice-Chairman of the Parliamentary Commission of Inquiry into Human Rights Abuses in Aceh, which investigated human rights violations in Aceh when it was a military operational zone, disappeared on 24 January 2000 and was found dead a day later, his body showing signs of torture,

*Recalling also* that police have identified rebels of the Free Aceh Movement (GAM) as suspects; according to information provided by the Minister of Justice and Human Rights in March 2002, this appears to be based on the testimony of Ibrahim Amd, a suspect in the case of the Jakarta Stock Exchange bombing who reportedly escaped either before or after being convicted; one of the suspects has allegedly been shot dead by policemen in Aceh, while the police are still searching for the other three suspects who have fled, either to Aceh or to Penang (Malaysia); a key witness in this case, Abu Bakar Daud, has disappeared after police interrogation and has not been located since,

*Recalling further* that the source fears that the police may not be conducting the investigation with all due diligence and thoroughness, failing in particular to take account of a possible link between Mr. Nashiruddin Daud's murder and his activities in the parliamentary commission investigating human rights abuses committed by the military in Aceh when it was a military operational zone,

*Recalling finally* that Parliament, in particular its Sub-Committee on Juridical and Human Rights Issues and its Committee for Inter-Parliamentary Cooperation, is monitoring the investigation; on 11 December 2001, the House of Representatives discussed the case and heard the new Chief of the State Police, who pledged to take the investigation further and report on progress to the House,

*Considering* that, according to information provided by the Indonesian delegation at the Special Session of the Council in Geneva (September 2002), the police informed it prior to its departure that the investigation had remained at a standstill,

1. *Thanks* the Indonesian delegation for its cooperation and the observations supplied;
2. *Deeply regrets* that no progress has been made in this case, particularly in view of the undertaking of the new Chief of Police, as stated in Parliament in December 2001, to carry the investigation further and report thereon to Parliament;
3. *Emphasises* that States are under an obligation to dispense justice and to identify and bring to trial those responsible for crimes and, that, if they fail to do so in cases of murder, they are guilty of a violation, by omission, of the victim's right to life;
4. *Consequently encourages* Parliament resolutely to pursue its monitoring of this case, being convinced that such action will be crucial to establishing the truth; *would appreciate* particulars of any measures taken to this end;
5. *Reiterates* its requests for information on:
  - (i) the circumstances in which Ibrahim Amd testified to the effect that GAM rebels had abducted and killed Tengku Nashiruddin Daud, and the legal status of the former with respect to the investigation in this case, in particular whether he remains at the disposal of the investigating authorities for further questioning;
  - (ii) the outcome of the efforts to ascertain the whereabouts of key witness Abu Bakar Daud and the testimony he gave to the police;
  - (iii) whether the police contemplate following a line of inquiry which would take account of Mr. Daud's parliamentary monitoring activities, given that the lead it has followed up to now has yielded no result and appears to be based mainly on a statement of a suspect in another criminal case;
6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, inviting them to keep the Committee informed of any developments; *also requests* the Secretary General to convey this resolution to the Minister of Justice, the Attorney General, the Head of Police and the National Human Rights Commission;

7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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### **CASE MAG/01 - JEAN EUGENE VONINAHITSY - MADAGASCAR**

#### ***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Jean Eugène Voninahitsy of Madagascar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Considering* the recent political developments in Madagascar and the fact that no communication has been received either from the authorities or from Mr. Voninahitsy or other sources,

1. *Requests* the Secretary General to inform the new parliamentary authorities of the Committee's work on this case and to endeavour to obtain information from them and Mr. Voninahitsy on his current situation and any prospect of his being granted an amnesty;
2. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003) in the light of such information as it may have obtained.

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

#### ***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking into consideration* the observations provided by the parliamentary authorities on this resolution,

*Recalling* that, having been dismissed from his post as Deputy Prime Minister and Finance Minister, Mr. Ibrahim was arrested and prosecuted on charges of corruption and sodomy; he was found guilty on both counts and sentenced, in April 1999 and August 2000 respectively, to a total of 15 years' imprisonment which he is currently serving,

*Considering* that, while no date has as yet been set to hear Mr. Ibrahim's appeal in the sodomy case, the Federal Court on 10 July 2002 dismissed at last instance Anwar Ibrahim's appeal against the corruption charges,

*Recalling* its earlier concerns regarding respect for the right to fair trial in this case, in particular the right to defence; *recalling* in particular the following: on 27 June 2001, the Federal Court set aside the

judgment handed down by the trial judge against Zainur Zakaria, one of the defence lawyers, in which he had found him guilty of contempt of court for having produced in court a document to the effect that the prosecution was attempting to fabricate evidence against Anwar Ibrahim; *recalling* its view that the judgment in the Zainur Zakaria case had strong implications for Anwar Ibrahim's case as it tended to add weight to its fear that Mr. Anwar Ibrahim's prosecution and sentencing may well have been politically motivated,

*Considering* in this connection the opinion of the parliamentary authorities that the judgment in the Zainur Zakaria case was unrelated to Anwar Ibrahim's case and that, in acquitting Zainur Zakaria, the Federal Court merely relied on the fact that the procedure adopted by the trial judge was flawed; *noting* in this respect, however, that in their judgment the Chief Justices pointed out the "sacrosanctity" of the right of defendants to answer the charges and to prepare their "defence fully, fairly and effectively ... a principle so fundamental to our system of justice",

*Recalling* that Mr. Anwar has been hospitalised in Kuala Lumpur General Hospital since 24 November 2000 and that his surgeon concluded that he required urgent spinal surgery which, in his view, could only be performed satisfactorily abroad; however, Mr. Ibrahim was not allowed to go abroad for such treatment; on 31 May 2001, the National Human Rights Commission (SUHAKAM) stated publicly that he should be allowed to undergo medical treatment abroad, noting that the 1995 Prison Act allowed the prison authorities to release a prisoner on licence and that nothing prevented Anwar Ibrahim from being sent abroad for medical treatment; *considering* the observation made in this respect by the parliamentary authorities to the effect that the Prison Act did not confer any right on a prisoner to medical treatment abroad, and that this was in conformity with international norms in this field,

*Recalling also* that, after his arrest in September 1998, Mr. Anwar Ibrahim was assaulted by the then Inspector General of Police, Rahim Noor, who beat him up; following the findings of a specially instituted Royal Commission, he was charged with causing grievous bodily harm; he pleaded guilty only after the charge was amended to the lesser offence of "causing hurt" and, in March 2000, he was found guilty of that charge, fined US\$ 530, sentenced to two months' imprisonment and granted bail pending appeal; the sentence was confirmed on appeal and, according to the authorities, Rahim Noor served the two-month prison term,

1. *Thanks* the Malaysian Parliament for the information provided;
2. *Deeply regrets* the dismissal by the Federal Court of Anwar Ibrahim's appeal in the "corruption case", all the more so given the Court's strong emphasis on the right to defence in its judgment on Zainur Zakaria's appeal; *can but consider*, particularly in the light of that judgment, that the court of first instance, in disallowing evidence to the effect that the prosecution attempted to fabricate evidence against Anwar Ibrahim, has not given Anwar Ibrahim a full opportunity to clear himself of the charges against him;
3. *Continues* therefore to believe that Mr. Anwar Ibrahim's prosecution and sentencing may well have been politically motivated;
4. *Acknowledges* that, under the Malaysian Prison Act, prisoners are not entitled to medical treatment abroad; *reaffirms*, however, that recommendations of a National Human Rights Commission carry special weight and should not be dismissed by the competent authorities; *calls therefore once again* on the authorities, in particular the Malaysian Parliament as a guardian of human rights, to give full support to the clear recommendations of the National Human Rights Commission so as to obtain permission for Anwar Ibrahim to follow his personal choice of medical treatment abroad;
5. *Requests* the Secretary General to convey this resolution to the Malaysian authorities and to the sources;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The 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/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of a letter from the Vice-Chairman of the State Great Hural of Mongolia, dated 20 September 2002, and of a letter from one of the sources dated 17 September 2002,

*Recalling* that Mr. Zorig Sanjasuuren was brutally murdered in his home on 2 October 1998 and that, given contradictory information as to the facts of the case and the reported lack of any progress in the investigation, the Committee carried out an on-site mission in August 2001,

*Recalling* that, according to information provided by the Vice-Chairman of the State Great Hural in March 2002, as a result of the Committee's on-site mission the working groups set up by the police and the Central Investigative Agency which had been working independently of each other, were now cooperating, having been merged into a single joint working group; in addition, the Government and Parliament were considering favourably a possible request for external criminal expertise; *recalling* in this respect that in the resolution it adopted on the occasion of the 107<sup>th</sup> Conference (March 2002) on this case, it requested the Secretary General, in close contact with the Mongolian authorities, to inquire into the possibility that the IPU might act to facilitate such assistance,

*Noting* that the parliamentary authorities have not specified how the IPU could facilitate such assistance and instead, as stated in the letter from the Vice-Chairman of the State Great Hural of 17 September 2002, only reiterated that the investigation was still under way and that the authorities "*are ready to collaborate and receive foreign and international organisations' assistance considering Mongolian Police, Intelligence and Justice organisations' compliance*",

*Recalling* that, in response to its recommendation that Parliament set up a working group to monitor the investigation in this case, the parliamentary authorities replied that they considered this to be inappropriate, in addition to being ineffective and unnecessary, since the Speaker, as a member of the National Security Council, received quarterly information about the investigation,

*Considering* in this respect that, according to one of the sources, the only initiative taken by Parliament since the Committee's mission was a confidential hearing which the Special Oversight Sub-Committee conducted in last June on the current state of the investigation; when asked at that hearing about the possibility of inviting foreign experts, the officers of the joint working group welcomed the idea but were unsure whether, under the Criminal Law, it was possible for third parties to have access to confidential information on file,

1. *Thanks* the Vice-Chairman of the State Great Hural for his letter; *is nevertheless disappointed* at the scant information on this case and the apparent lack of any consistent monitoring work by the State Great Hural;
2. *Deplores* this particularly since, almost four years after the heinous murder, the case remains entirely unresolved;
3. *Stresses* that States have a duty to dispense justice and to prevent impunity; *stresses also* that Parliament, as a guardian of human rights, has a special duty to ensure that the executive and

- the judiciary comply with this duty, and *considers* that it is all the more important in new democracies that Parliament assume this role to the full;
4. *Consequently again urges* the State Great Hural to avail itself of its oversight function to set up a mechanism enabling it to follow the investigation and progress made regularly and consistently; *is convinced* that, for the investigation to advance, it is essential that Parliament continue to manifest its interest in it and its firm intention to ensure that Mr. Zorig's murderers are identified and brought to justice;
  5. *Notes with satisfaction* that the competent investigative authorities continue to welcome the idea of requesting foreign criminal expertise, and *can but reiterate* that this is a routine procedure for investigative authorities in any country confronted with particularly difficult cases for which they lack the necessary expertise, and that the ultimate objective of criminal law is to ensure that perpetrators of crimes are identified and brought to justice;
  6. *Requests* the Secretary General to reiterate the Union's readiness to facilitate such assistance to the extent possible;
  7. *Requests* the Secretary General to convey this resolution to the authorities and the sources;
  8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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## MYANMAR

### Parliamentarians reportedly still imprisoned:

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/104 - KYAW KHIN
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/118 - THAN NYEIN
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/13 - NAING NAING	CASE N° MYN/122 - MIN SOE LIN
CASE N° MYN/36 - MYINT NAING	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/60 - ZAW MYINT MAUNG	CASE N° MYN/133 - YAW HIS
CASE N° MYN/80 - KYAW SAN	CASE N° MYN/134 - MIN KYI WIN
CASE N° MYN/85 - KHUN MYINT HTUN	CASE N° MYN/138 - TOE PO
CASE N° MYN/87 - DO HTAUNG	CASE N° MYN/139 - SOE MYINT

### Parliamentarians reportedly released after serving their sentences:

CASE N° MYN/02 - KYI MAUNG	CASE N° MYN/106 - KYAW TIN
CASE N° MYN/08 - TIN HTUT	CASE N° MYN/107 - SAN MYINT
CASE N° MYN/10 - WIN HLAING	CASE N° MYN/108 - MIN SWE
CASE N° MYN/15 - HLAING NI	CASE N° MYN/109 - THAN AUNG
CASE N° MYN/20 - KYAW THWIN	CASE N° MYN/110 - TIN MIN HTUT
CASE N° MYN/26 - HLA TUN	CASE N° MYN/111 - SAW LWIN
CASE N° MYN/28 - TIN AUNG AUNG	CASE N° MYN/112 - HLA WIN
CASE N° MYN/41 - ZAW MYINT	CASE N° MYN/113 - AYE THAN
CASE N° MYN/42 - MYA WIN	CASE N° MYN/114 - OHN NAING
CASE N° MYN/64 - DAVID HLA MYINT	CASE N° MYN/115 - THEIN ZAN
CASE N° MYN/68 - AUNG KHIN SINT	CASE N° MYN/116 - NYUNT HLAING
CASE N° MYN/70 - TIN SOE	CASE N° MYN/117 - KYAW MYINT
CASE N° MYN/71 - KYI MYINT	CASE N° MYN/120 - SAN SAN
CASE N° MYN/73 - FAZAL AHMED	CASE N° MYN/121 - TIN OO
CASE N° MYN/74 - NAI THUN TEIN	CASE N° MYN/123 - NAN KHIN HTWE MYINT
CASE N° MYN/77 - R. P. THAUNG	CASE N° MYN/125 - MAHN KYAW NI
CASE N° MYN/78 - MAUNG MAUNG LAY	CASE N° MYN/126 - TUN WIN

CASE N° MYN/79 - SOE NYUNT  
CASE N° MYN/84 - SOE THEIN  
CASE N° MYN/86 - AYE SAN  
CASE N° MYN/88 - CHIT HTWE  
CASE N° MYN/89 - MYO NYUNT  
CASE N° MYN/100 - HLA MYINT  
CASE N° MYN/101 - SAW OO REH  
CASE N° MYN/102 - HLA MIN  
CASE N° MYN/103 - TIN AUNG  
CASE N° MYN/105 - KYIN THEIN

CASE N° MYN/127 - BO HTWAY  
CASE N° MYN/128 - THA AUNG  
CASE N° MYN/130 - TIN WIN  
CASE N° MYN/135 - NAI TUN THEIN  
CASE N° MYN/136 - SAW MRA AUNG  
CASE N° MYN/137 - KHIN MAUNG KYI  
CASE N° MYN/140 - KHIN HTAY KYWE  
CASE N° MYN/141 - MAY HNIN KYI  
CASE N° MYN/142 - SAN SAN WIN

**Parliamentarians who died in custody:**

CASE N° MYN/53 - HLA THAN  
CASE N° MYN/55 - TIN MAUNG WIN  
CASE N° MYN/72 - SAW WIN

CASE N° MYN/83 - KYAW MIN  
CASE N° MYN/131 - HLA KHIN  
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 Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the above-mentioned members-elect of the *Pyithu Hluttaw* (People's Assembly) of the Union of Myanmar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

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

*Recalling also* that the talks started in October 2000 between the military regime and the NLD leader, Daw Aung San Suu Kyi, have led to the release of several MPs-elect and to the easing of some of the constraints on the operation of legal political parties, permitting the reopening of selected NLD branch offices and a halt to the media campaign against Daw Aung San Suu Kyi,

*Noting* that Daw Aung San Suu Kyi was released from house arrest on 5 May 2002 and is reportedly free to engage in political activities; *noting also* that on 14 May 2002, nine more NLD supporters were released from prison and that, on 21 June 2002, the authorities announced that Mr. Saw Oo Reh had been released from prison on humanitarian grounds, thereby bringing the number of imprisoned MPs-elect down to 18,

*Noting* that, according to information provided by one of the sources on 20 August 2002, the health of Dr. Than Nyein, one of the imprisoned MPs-elect, was seriously deteriorating owing to liver and heart problems, high blood pressure and stomach pain, and to the delay in performing the necessary operation; after that operation the doctors reportedly informed his family that he was suffering from gastroenteritis; on 3 September 2002, the source stated that two other imprisoned MPs-elect, Mr. Ohn Maung and Mr. Sein Hla Oo, had suffered serious health impairment owing to liver cirrhosis and to heart problems, respectively,

*Recalling* in this connection that sources have reported conditions of detention in Myanmar to be harsh and to include cruel disciplinary practices and torture, lack of proper medical care and insufficient food; *recalling* that MP-elect Aung Min died on 24 October 1998 while in custody at a “guest house” and that, on 31 May 1999, MP-elect Hla Khin died in custody, as did MPs-elect Tin Maung Win, Hla Tan and Saw Win in January 1991, August 1996 and August 1998, respectively,

*Bearing in mind* the fact that the United Nations Commission on Human Rights, in its resolution 2002/67 (April 2002), while welcoming the easing of certain constraints on the political opposition, expressed grave concern at “*the persistence of a government policy based on the repression of all political activities of opposition*”, and strongly urged the Government of Myanmar “*to release immediately and unconditionally those detained or imprisoned for political reasons*”; *noting also* that, in his report to the Commission, the United Nations Secretary-General similarly urged the Government of the Union of Myanmar “*to find quickly an appropriate way to release all remaining political prisoners, especially those members of Parliament elected in 1990*”,

*Recalling* that several on-site missions to Myanmar have been carried out since the start of the aforesaid talks by, among others, the Special Envoy of the United Nations Secretary-General, the United Nations Special Rapporteur of the Commission on Human Rights for Myanmar, the International Labour Organization, the European Union troika and the International Committee of the Red Cross,

1. *Notes* the release of the MP-elect Saw Oo Reh; *nevertheless expresses deep concern* at the slow progress towards the release of the 18 MPs-elect who are still in prison, particularly in view of the reported deteriorating health of three of them, Dr. Than Nyein, Mr. Ohn Maung and Mr. Sein Hla Oo as a result of the harsh prison conditions;
2. *Reaffirms* its conviction that the 18 MPs-elect were sentenced on account of having peacefully exercised their freedom of assembly, association and expression; *strongly urges* the authorities to release them forthwith unconditionally and, as a matter of priority, the three who are in poor health;
3. *Reaffirms* that restoration of the rule of law and human rights further requires a complete removal of the ban on political activities, the establishment of institutions representative of the people’s will, and a full investigation of the cases of the MPs-elect who died while imprisoned;
4. *Notes with concern* in this respect that the talks between the military regime and the NLD have yielded no tangible results;
5. *Continues therefore to believe* that an on-site mission would contribute to a satisfactory settlement of this case; *reiterates* its request to carry out such a mission, and *requests* the Secretary General to take the necessary steps with a view to organising it;
6. *Again calls on* all Members of the Inter-Parliamentary Union to press for the respect of democratic principles in Myanmar and to show their solidarity with their elected colleagues from the *Pyithu Hluttaw* by whatever means they deem appropriate, including support for the Committee Representing the People’s Parliament established in 1998; *would welcome* feedback from member Parliaments on any action they may have taken to this end;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).



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

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Senator Asif Ali Zardari of Pakistan, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of the information supplied by the Permanent Mission of Pakistan to the United Nations Office in Geneva on 24 and 26 June 2002, and of the information provided by the defence counsel on 23 June and 6 September 2002,

*Recalling* that Mr. Zardari has been in prison since his arrest on 4 November 1996; six ordinary criminal cases have been brought against him and eight accountability cases; the Supreme Court ordered in April 2001 that all accountability cases be completed and dealt with within three months and that thereafter Mr. Zardari be moved to Karachi to face trial for the pending criminal cases; on 15 November 2001, the Supreme Court extended that term by three months; however, the cases have not been completed to date and his lawyers have filed an application with the Supreme Court which has yet to be heard,

*Recalling* that Mr. Zardari was tortured on 17 May 1999 while in the custody of the Central Investigative Agency as sustained by the District and Session Judge of Malir Karachi in his conclusions of 11 September 1999; according to the source, early in 2002, the Sindh High Court registered a court case against some police officers with respect to Mr. Zardari's ill-treatment; however, none of the officers denounced in Mr. Zardari's complaint had reportedly been named,

*Recalling* also that shortly after 15 December 2001, when Mr. Zardari had been granted bail in all cases, he was arrested in a new case (allegedly evading payment of duties for an imported BMW car - the so-called "BMW case"); while the authorities affirm that it concerns a serious case of corruption which has been filed in court, the source believes that this case has been instituted to prolong Mr. Zardari's detention and that the consideration of his bail petition has been deliberately delayed by the authorities,

*Noting* in this respect that Mr. Zardari's lawyers allege in their communication of 6 September 2002 that, in order to pre-empt his possible release on bail, the authorities have now remanded Mr. Zardari for an initial 15-day period in another, existing accountability case ("Assets Reference"), even though it had been left dormant for four years for want of evidence,

*Considering* that, according to the authorities, the Pakistan Institute of Medical Science (PIMS), where Mr. Zardari is hospitalised, is equipped with all the necessary facilities and provides him with first-class treatment for any ailments he may suffer; *taking into account* that the physician who supervises Mr. Zardari's health, reported that he has been receiving physiotherapy and painkillers and has received the court's permission to import a special rocking chair with lumbar support and that "*from a purely medical point of view ... the kind of care he needs now does not really require full-time admission in hospital*",

*Recalling finally* that, while the lawyers have affirmed that most of the cases against Mr. Zardari are being held up by obstruction from the prosecution, the authorities have affirmed that the lengthy proceedings were to be blamed not on the authorities but on Mr. Zardari for not appearing at proceedings, or on his lawyers for using delaying tactics,

1. *Thanks* the authorities for the information provided and their cooperation;

2. *Notes with deep regret* that, despite several requests, the authorities have not stated whether or not proceedings are indeed under way to identify and bring to justice the officers responsible for torturing Mr. Zardari in May 1999 and whether the suicide charges against him have been dropped accordingly; *would greatly appreciate* information on this crucial point of concern, and, should proceedings have indeed started, to be notified of the stage reached;
3. *Notes with concern* that each time Mr. Zardari is about to be released on bail, he is arrested in a new or previously dormant case; *can but consider* that this state of affairs lends credence to the allegation that arrest warrants are merely issued to prevent his release on bail;
4. *Remains concerned* at the length of the proceedings under way against Mr. Zardari, and *affirms* that the authorities have a duty to ensure that the fundamental right of all defendants to be tried without undue delay or otherwise be released is respected; *urges* the competent authorities to establish, in compliance with the Supreme Court order, a timetable for the completion of all proceedings pending against Mr. Zardari; *wishes to ascertain* any new decision the Supreme Court may have taken in this respect;
5. *Requests* the Secretary General to bring this resolution to the attention of the authorities and of the source;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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CASE N° RW/01 - EUSTACHE NKERINKA ) RWANDA  
CASE N° RW/02 - JACQUES MANIRAGUHA )  
CASE N° RW/03 - JEAN-LEONARD BIZIMANA )  
CASE N° RW/04 - JOSEPH SEBARENZI KABUYE )

***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Having before* it the case of Mr. Eustache Nkerinka, Mr. Jacques Maniraguha, Mr. Jean-Léonard Bizimana and Mr. Joseph Sebarenzi Kabuye of Rwanda, 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/171/12(a)-R.1), which contains a detailed outline of the case,

*Considering* the following information on file:

- Mr. Nkerinka, Mr. Maniraguha and Mr. Bizimana were dismissed from Parliament on 9 March 1999 after being expelled from their party, the Democratic Republican Movement; prior to their dismissal they had reportedly been the subject of hostile press articles for several months accusing them of opposing national unity and reconciliation and collaborating with *“infiltrators”* (members of the armed opposition); according to the source, at least one of them had been criticised for denouncing human rights violations by the Rwandan Patriotic Army and for speaking to foreign media; according to the parliamentary authorities, they were all stripped of their party membership as a result of their refusal to sign a modification of the Party statute

eliminating all reference to ethnicity and were subsequently also stripped of their parliamentary mandates;

- Mr. Sebarenzi resigned from his post of President of the Transitional National Assembly on 6 January 2000 after an intense campaign had been under way against him, accusing him in particular of sowing division in his party, the Liberal Party, of collaborating with the negative forces of the country and of dividing the Army; at a meeting of political parties convened by the Rwandan Patriotic Front (FPR) on 10 January 2000, it was decided to revoke Mr. Sebarenzi's parliamentary mandate for "*conduct contrary to national reconciliation*"; according to the source Mr. Sebarenzi, a member of the Liberal Party, was regarded as an independent politician bent on denouncing abuses and enhancing the independence and role of the Transitional National Assembly, particularly with regard to oversight of government action; thus, in 1997 Mr. Sebarenzi had made use of his prerogative, established in Article 6 D of the Arusha Peace Agreement, to promulgate the law of 14 April 1997 on the oversight of government action after the President of the Republic had refused to do so; moreover, Mr. Sebarenzi reportedly denounced the practice of the revocation of deputies by political parties, established in 1999, as unconstitutional in a letter of 9 March 1999 to the President of the Republic; in January 2002 Mr. Sebarenzi left the country for fear of his life,

*Considering that, in the view of the parliamentary authorities, by virtue of the Constitution and the Arusha Agreement, the parliamentary mandate is not personal and deputies do not hold their mandate by popular will but, as provided in Article 60 of the Arusha Agreement, are designated by their parties; it is their view that parties are consequently entitled to revoke the mandates of those they have designated as MPs; according to the comments provided in this respect by the President of the Transitional National Assembly in his letter of 28 March 2000, deputies are "proposed by the political parties and subsequently endorsed by the Forum of Political Parties. ... Having been dismissed from their party - which dismissal was endorsed by the other parties - they were ipso facto stripped of their parliamentary duties because they no longer represented any political party in the Transitional National Assembly",*

*Considering that the parliamentary authorities have repeatedly argued that Rwanda is in the process of drafting and adopting a new Constitution, a process which, in the words of the President of the Transitional National Assembly "will give rise to a procedure concerning the administration of the parliamentary mandate and we have no reason at this point in time to anticipate or duplicate the work already assigned to technical bodies ..."; on 4 June 2002, he stated that the necessary steps had been taken "to ensure that the parliamentary mandate regime, including the question of revocation of the mandate, has a place in the new Constitution of Rwanda"; however, the Committee has not been apprised of the content of the proposed legislation in this field,*

*Considering that the Fundamental Law of the Republic of Rwanda (1994), consisting of the Constitution of 10 June 1991, the Arusha Peace Agreement, the Declaration of the FRP (Rwandan Patriotic Front) of 17 January 1994 relating to the establishment of institutions and the Protocol of Agreement between the political forces (FPR, MDR, PDC, PDI, PLPSD, PSR, UDPR) signed on 24 November 1994, contains no provision authorizing the political parties to revoke a parliamentary mandate; noting in particular that: (i) in conformity with Article 60 of the Arusha Agreement the mandate of the Transitional National Assembly covers the entire transitional period; (ii) pursuant to Article 65 of the Agreement, "any imperative mandate is null and void; Deputies' voting rights are ad personam"; (iii) pursuant to Article 71 of the Agreement, a member may be stripped of his/her mandate only in the case of final sentencing on a criminal charge; (iv) pursuant to Article 67 of the 1991 Constitution, a parliamentary mandate may be revoked only if the MP concerned no longer meets the conditions for eligibility (to be of Rwandan nationality and at least 21 years of age),*

1. Stresses that the revocation of a parliamentarian's mandate is a serious measure which irrevocably deprives such a member of the possibility of carrying out the mandate entrusted to him/her and that it must therefore be taken by Parliament in full accordance with the law, following a legal procedure guaranteeing the right to defence for the MPs concerned, and only on serious grounds;

2. *Also stresses* that the absence of such a procedure, including the absence of defence guarantees for the parliamentarians concerned, paves the way for abuses and ultimately harms Parliament itself;
3. *Notes* that no legal provision in the Fundamental Law of Rwanda authorises political parties to revoke or dismiss members of Parliament; *consequently considers* that the expulsion of the MPs concerned was unfounded in law;
4. *Calls therefore on* the Transitional National Assembly to take the necessary measures to protect the rights of its members, to provide redress for the former MPs concerned, and to ensure that a decision to revoke or dismiss an MP from Parliament is taken only on the basis of a procedure provided for by law;
5. *Would appreciate* information on the provisions made in the draft constitution for revocation of the parliamentary mandate;
6. *Requests* the Secretary General to convey this resolution to the President of the Transitional National Assembly;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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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 KİLİNÇ

CASE N° TK/58 - NAİF GÜNES

CASE N° TK/59 - ALI YIGIT

CASE N° TK/62 - REMZİ KARTAL

*Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)*

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly (TGNA), as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Recalling* that the MPs concerned were all members of the Democracy Party (DEP), which the Constitutional Court dissolved in June 1994; Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak are at present serving the 15-year prison sentence handed down on them in December 1994 for membership of an armed organisation; 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 are barred from practising their profession as lawyers; Mr. Toğuç, Mr. Kiliñç, Mr. Günes, Mr. Yigit and Mr. Kartal, all of whom fled abroad following the dissolution of the DEP, were subsequently also accused of separatism and would be arrested and prosecuted should they return to Turkey,

*Recalling also* that, by virtue of Article 84 of the Turkish Constitution, all but three MPs belonging to this party lost their parliamentary seats as a result of the dissolution of the DEP in 1994; *considering* that thirteen MPs of the DEP brought their case before the European Court of Human Rights (*Sadak and others v. Turkey*), which concluded on 11 June 2002 that the deprivation of their parliamentary mandate as a result of the dissolution of their party constituted a violation of Article 3 of Protocol 1 of the European Convention on Human Rights,

*Recalling further* that, following the dissolution of the DEP, it had expressed concern at the fact that depriving an MP of his/her seat could be the indirect result of the dissolution of the party to which the MP belonged, and that, in the case in question, the south-eastern part of Turkey had thus been deprived of two-thirds of its representatives in Parliament and an ethnic minority had been greatly limited in its ability to give political expression to its opinions and claims through representatives of its own choosing,

*Recalling furthermore* that on 26 June 2001, the European Court of Human Rights ruled that the judgment handed down on Ms. Zana, Mr. Dogan, Mr. Sadak and Mr. Dicle had violated their right to fair trial insofar as they had not been judged by an independent and impartial tribunal and had not been given the right to defend themselves and thus the right to answer the charges laid against them; *recalling finally* that, in response to the question why that judgment had not as yet been implemented, the Turkish delegation to the 107<sup>th</sup> Conference (March 2002) stated that the Turkish Grand National Assembly had not adopted a government bill providing for implementation at national level of rulings of international bodies, in particular the European Court of Human Rights,

*Considering* that on 30 April 2002, the Committee of Ministers of the Council of Europe, which is entrusted with supervising implementation of the rulings of the European Court of Human Rights, adopted interim resolution (2002) 59 in which it strongly invites the Turkish authorities, without further delay, to follow up on its reiterated calls to remedy the situation either by allowing for a reopening of the trial or by other *ad hoc* measures which would repair the abuses suffered by Ms. Zana, Mr. Dogan, Mr. Sadak and Mr. Dicle,

1. *Reaffirms its conviction* that the ruling of the European Court of Human Rights (ECHR) of 26 June 2001 warrants the immediate release of Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan, since it is apparent from that ruling that their guilt has not been established; *deplores* the fact that they have not been released;
2. *Calls therefore once again* on the authorities to release them without further delay, having in mind also that they have already spent seven years in prison on the basis of a trial which did not establish their guilt, and *reaffirms* that the authorities cannot argue that further legislation is needed as judgments of the ECHR are binding upon Turkey immediately;
3. *Recalls* that the Turkish Grand National Assembly has repeatedly expressed its commitment to honouring its obligations under the European Convention on Human Rights, and therefore *forcefully calls on* the Turkish Grand National Assembly to make use of all its powers to ensure the immediate release of Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan;
4. *Wishes to ascertain* the measures taken by the Turkish authorities to follow up on the interim resolution (2002) of the Committee of Ministers of the Council of Europe;
5. *Reaffirms* its conviction that - in common with Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak - Mr. Alinak, Mr. Yurtdas, Mr. Türk and Mr. Sakik were prosecuted and sentenced on account of having exercised their right to freedom of speech and that, on the same account, charges of separatism were laid against Mr. Toguç, Mr. Kilinç, Mr. Günes, Mr. Yigit and Mr. Kartal, all of whom went into exile for fear of arrest; *calls therefore once again* on the Turkish authorities to grant them an amnesty so that they may return to Turkey should they so wish, and *considers* that the ECHR judgment in the case of *Sadak and others v. Turkey* adds weight to its appeal;

6. *Requests* the Secretary General to convey this resolution to the Turkish parliamentary authorities, to the Parliamentary Assembly of the Council of Europe and to the European Parliament;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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

### ***Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session (Geneva, 27 September 2002)***

The Council of the Inter-Parliamentary Union,

*Having before* it the case of Ms. Merve Safa Kavakçı of Turkey, 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/171/12(a)-R.1), which contains a detailed outline of the case,

*Considering* that Ms. Merve Kavakçı was elected on 18 April 1999 on a Virtue Party ticket as a member of the Turkish Grand National Assembly (TGNA) and was issued the credentials validating her membership in the TGNA; however, during the swearing-in ceremony on 4 May 1999, she was prevented from taking the oath because of her wearing of a headscarf and forced out of the assembly hall; on 13 May 1999, the Government revoked her Turkish citizenship on the grounds that she also possessed US citizenship, which, in violation of Turkish citizenship law, she had accepted without permission from the Government; that decision was upheld on appeal by the Council of State (latest decision on 1 December 2000) although in the meantime Ms. Kavakçı had regained Turkish citizenship through her marriage to a Turk on 28 October 1999; on 20 May 1999, by decision N° 1585, the Supreme Election Council (YSK), seized by the Government, confirmed that Ms. Kavakçı had been duly elected and was a member of the TGNA and ruled that a decision to terminate her mandate for loss of eligibility after election belonged solely to the TGNA,

*Considering* that, on 14 March 2001, the Speaker of the TGNA submitted a letter to the Assembly notifying it that Ms. Kavakçı’s deprivation of Turkish citizenship was “*lawful and final*”, for which reason Ms. Kavakçı “*has lost her eligibility under Articles 66 and 76 of the Turkish Constitution and Citizenship Law ... and does not have parliamentary status*”; recalling that, on 17 January 2001, the President of the Turkish IPU Group stated that Ms. Kavakçı’s “*parliamentary status was lifted*” subsequent to the revocation of her nationality on the grounds that “*Turkish nationality is a precondition for being a parliamentarian*”,

*Considering* that, at the hearing held in Havana (April 2001), the Turkish delegation, emphasising the secular character of the Turkish State, stated that Ms. Kavakçı’s aim was to show that a woman wearing a religious symbol could enter Parliament and should therefore also be able to enter the Government and be admitted to public office in general,

*Noting* that the Turkish Parliamentary Dress Code in force at the time requires women to wear a suit and that, in wearing a headscarf, Ms. Kavakçı did not violate that Code; *noting also* that Article 76 of the Constitution, governing eligibility, neither excludes persons with dual nationality from standing for election nor requires that dual nationality be disclosed; according to Ms. Kavakçı, several members of the Turkish Parliament indeed enjoy dual citizenship, including US citizenship; *recalling* in this respect that the decision to revoke Ms. Kavakçı’s Turkish nationality prompted many Turkish citizens with dual nationality to consult

Turkish consulates fearing that they too would be deprived of their nationality; however, they were informed that the decision had been directed against Ms. Kavakçı only because of her “*exceptional status*”,

*Considering further* that, although duly elected, Ms. Kavakçı was denied all rights as an MP, including salary, accommodation and office; neither her name nor her picture was included in the Album of the Parliament and all information concerning her election was deleted from Parliament’s data systems,

*Considering moreover* that in June 2001 the Court dissolved the party to which Ms. Kavakçı belonged for “*activities against the secularism principle of the Turkish Republic*”, basing that decision *inter alia* on speeches made by Ms. Kavakçı; it debarred her for five years from political activity; as a consequence of Article 84 of the Constitution in force at the time, she would at that point have forfeited her mandate,

*Noting finally* that Ms. Kavakçı is currently living in the United States of America; knowing that charges of “*insulting the Republic, the Parliament and the State*” have been levelled at her, she fears that she may be arrested and prosecuted should she return to Turkey; she feels that she has been the target of discriminatory measures contrary to the principles enshrined in the Constitution and laws of Turkey and in international human rights standards, in particular the European Convention on Human Rights, to which Turkey is party,

1. *Observes* that it is undisputed that Ms. Kavakçı was duly elected a member of the Turkish Parliament and validated as such by the Supreme Election Council, which that body reconfirmed in its decision N° 1585, adopted by it subsequent to the revocation of Ms. Kavakçı’s Turkish nationality;
2. *Affirms*, in line with that decision, that in no way can loss of eligibility after the election invalidate an election, and *is therefore led to consider* that Ms. Kavakçı was arbitrarily prevented from taking her oath and from assuming the parliamentary mandate entrusted to her by her constituents, with the result that they were deprived of their right to be represented by a person of their choice;
3. *Stresses* that the revocation of a parliamentarian’s mandate is a serious measure which irrevocably deprives such a member of the possibility of carrying out the mandate entrusted to him/her and that it must therefore be taken in full accordance with the law and only on serious grounds;
4. *Notes* that: (i) in Turkish law there is no provision either for automatic loss of membership in the TGNA in the event of loss of eligibility after election or for the President of the TGNA to make a declaration to that end; (ii) according to the Supreme Election Council, which is the competent body, only the TGNA itself can revoke Ms. Kavakçı’s parliamentary mandate; (iii) in conformity with Article 84 of the Turkish Constitution, loss of membership of the Turkish Parliament must be decided by an absolute majority of the Assembly; (iv) Ms. Kavakçı had regained her nationality while the Council of State ruled at last instance that she had lost her nationality owing to Council of Minister decision N° 99/12827 of 13 May 1999;
5. *Fails therefore to understand* on what legal basis the President of the Turkish Grand National Assembly declared that Ms. Kavakçı was no longer a member of the Assembly without the latter having taken a decision to that effect; *also fails to understand* on what grounds the Council of State declared, as late as December 2000, that Ms. Kavakçı had lost her Turkish nationality when she had regained it in October 1999, as certified by the competent authorities;
6. *Fears*, in view of the information on file, that Ms. Kavakçı was not only arbitrarily prevented from assuming her mandate and duties as an elected representative of the Turkish people but may also have been deprived of her membership without any valid legal basis and according to a procedure not provided for under Turkish law;
7. *Considers* that the Constitutional Court judgment dissolving Ms. Kavakçı’s party can in no way alter its opinion;

8. *Requests* the Secretary General to inform the parliamentary authorities of this resolution, inviting them to provide their comments, in particular with respect to any means of redress which Ms. Kavakçi may be granted;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003).

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## ZIMBABWE

CASE N° ZBW/12 - JUSTIN MUTENDADZAMERA    CASE N° ZBW/16 - PETER NYONI  
CASE N° ZBW/13 - FLETCHER DULINI-NCUBE    CASE N° ZBW/17 - DAVID COLTART  
CASE N° ZBW/14 - DAVID MPALA    CASE N° ZBW/18 - MOSES MZILA NDLOVU  
CASE N° ZBW/15 - ABEDNICO BHEBHE

*Resolution adopted unanimously by the Council at its 171<sup>st</sup> Session  
(Geneva, 27 September 2002)*

The Council of the Inter-Parliamentary Union,

*Referring* to the outline of the case of Mr. Justin Mutendadzamera, Mr. Fletcher Dulini-Ncube, Mr. Moses Mzila Ndlovu, Mr. David Mpala, Mr. Abednico Bhebhe, Mr. Peter Nyoni and Mr. David Coltart, incumbent members of the Parliament of Zimbabwe, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/171/12(a)-R.1), and to the relevant resolution adopted at its 170<sup>th</sup> session (March 2002),

*Taking account* of information provided by the sources on 3 and 8 August, and on 14, 21 and 24 September 2002,

*Considering* that at present, apart from the case of Mr. Mutendadzamera, the file on the parliamentarians concerned, all members of the opposition party “Movement for Democratic Change” (MDC), contains only the allegations and information submitted by the sources, which are as follows:

- On 17 October 2000, **Mr. Justin Mutendadzamera**, his wife and stepson were severely ill-treated by the police, who, without due authorisation, broke into their house and beat them; he lodged a complaint about the ill-treatment but no investigation has been launched; at the end of 2001, Mr. Mutendadzamera intended to sue the Government for the prejudice he suffered; it is unclear at this stage whether he has indeed brought such a suit and, if so, what the outcome has been;
- **Mr. David Mpala** was kidnapped on 13 January 2002 and, after being stabbed in the abdomen, was dumped 6km away; people at the scene helped him to go to the police station and to hospital, where he was put on a life-support system; the culprits are said to be known and identified war veterans close to the party in power; the police officer commanding Matabeleland North Province confirmed the attack; according to one of the sources on 21 September 2002, no investigation has been launched;
- **Mr. Fletcher Dulini-Ncube** was arrested on 15 November 2001 and charged with murder on the basis of “*confessions*” by two other MDC members, which they later stated in court had been obtained under duress; on 17 December 2001 the Supreme Court granted Mr. Dulini-Ncube release on bail but ordered him to deposit a certain sum of money, to surrender his passport and to report three times a week to the police; however, Mr. Dulini-Ncube was reportedly re-arrested and indicted in this case, in spite of an appeal pending before the



Supreme Court; a bail application has been filed and a trial hearing is reportedly scheduled for 11 November 2002; on the occasion of both arrests, Mr. Dulini-Ncube, who is 61 and a diabetic, was reportedly held in harsh conditions and did not receive the necessary medical treatment, which, according to the source, resulted in his virtual loss of sight in one eye; while he currently remains in hospital until his doctors determine that he is fit to leave, he has reportedly been forced to wear a prison uniform and leg irons;

- **Mr. Moses Mzila Ndlovu** was arrested on 18 November 2001, reportedly on charges first of murder and then of kidnapping, and was subjected to inhuman treatment while in detention; although no evidence was reportedly produced to substantiate the charge, Mr. Ndlovu was not granted release on bail until 14 December 2001, and only then on conditions greatly limiting his freedom of movement; according to information provided by the source on 14 September 2002, while charges were withdrawn in this case on 3 June 2002 for want of evidence, Mr. Ndlovu had reportedly been faced with two new fabricated criminal cases, on which the courts still have to pronounce; the source fears for Mr. Ndlovu's life;
- While campaigning on 6 February 2002 for the opposition presidential candidate, **Mr. Abednico Bhebhe** and **Mr. Peter Nyoni** were beaten up by military personnel and Zimbabwe African National Union-Patriotic Front (ZANU-PF) militia; they were arrested, held in conditions amounting to inhuman treatment and reportedly charged with throwing stones and being in possession of dangerous weapons; the MPs deny the charges and have been released on bail; they appeared in court on 17 September 2002, after which their case was remanded until 19 November 2002; no trial date has apparently been set; moreover, Mr. Bhebhe has two other charges pending against him: namely a charge regarding his public denunciation of an attack perpetrated against him on 26 May 2001, when he was beaten unconscious by a group of ZANU-PF supporters and war veterans, and a charge on account of allegedly attending a political meeting; a charge which was brought against him after he was detained for several hours on 8 July 2002 at the Central Police Station in Bulawayo;
- **Mr. David Coltart**, an MP and long-standing human rights defender, upon returning home found that a "camp" for youth militia belonging to the ruling ZANU-PF party had been set up very close to his house; when he asked the police whether permission had been given, they accused Mr. Coltart of having fired shots at the "camp"; upon reporting to the police on 18 February 2002, Mr. Coltart was arrested and charged with discharging a firearm into the air; he denies the charge and was reportedly released on bail; the case has been remanded and the trial has been set for 18 November 2002,

*Recalling* that, according to the sources, the authorities and the ruling party are using militia – comprising so-called "war veterans" and supporters of the ruling ZANU-PF party - as proxy forces to assault members of the opposition MDC party, and those who have committed such abuses are seldom investigated, seldom arrested and very seldom prosecuted,

1. *Deeply regrets* that no communication has been received from the parliamentary authorities, particularly in view of the serious allegations made regarding the situation of the MPs concerned;
2. *Is shocked* at the new allegations of arbitrary arrest and ill-treatment of Mr. Ndlovu, Mr. Bhebhe and Mr. Dulini-Ncube, and at the conditions in which the latter is said to be held in hospital; *recalls* in this respect that the use of leg irons runs counter to the general principle, as enshrined in the United Nations Basic Principles for the Treatment of Prisoners, that prisoners should be treated with due respect for their inherent dignity and value as human beings, and that their use is prohibited under the United Nations Standard Minimum Rules for the Treatment of Prisoners;
3. *Recalls*, moreover, that Zimbabwe is obliged, under its Constitution and as a party to the International Covenant on Civil and Political Rights and the African Charter on Human and

Peoples' Rights, to guarantee the rights to life, to liberty and security of person, to physical integrity and to remedy in respect of violations of such rights;

4. *Considers* that, given the allegations and the lack of any official information, an on-site mission would enable the Committee to make progress in this case; therefore *requests* the Committee to carry out such a mission and to gather from the competent parliamentary, governmental, judicial and administrative authorities, as well as from the MPs concerned, including those in detention, their lawyers and families and competent human rights organisations, as much detailed information as possible on their situation;
5. *Requests* the Secretary General to contact the parliamentary authorities with a view to organising such a mission as early as possible, and *earnestly hopes* that it will meet with their approval;
6. *Meanwhile calls on* Parliament, as a guardian of human rights, to take action to ensure that the fundamental rights of the MPs concerned are respected, their personal security is guaranteed and those responsible for the attacks on them are brought to justice, being convinced that allegations indicating the systematic and widespread intimidation of MDC members require effective action from Parliament;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 2003) in the light of such information as the mission may have gathered.