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109th Assembly of the Inter-Parliamentary Union

1. Opening of the Proceedings

The 109th Assembly of the Inter-Parliamentary Union¹ opened its proceedings at the *Centre international de Conférences de Genève* on the morning of Wednesday, 1st October 2003. The President of the Inter-Parliamentary Union, Mr. Sergio Pérez Verdugo, delivered a speech in which he noted that, after the completion of the reform process and the adoption of the new Statutes and Rules in Santiago de Chile, the 109th Assembly was the first to use the new working methods, in which the three newly established Standing Committees would each be discussing its own subject item. He also underlined the importance of meeting in Geneva, the home of the Inter-Parliamentary Union, where all Members would be able to attend the official inauguration of their new Headquarters, the "House of Parliaments".

The Director-General of the United Nations Office at Geneva, Mr. Sergei Ordzhonikidze, representing the Secretary-General of the United Nations, then delivered a message from Mr. Kofi Annan in which he renewed his appeal for a fundamental reform of the United Nations to meet a host of challenges, such as terrorism, poverty, disease and climate change. The United Nations Secretary-General called upon the legislators of the world to press their governments to do more to advance the interests of the entire planet. Stressing that the decision to embrace change lay with Member States, Mr. Annan pledged to do everything possible to help them make the United Nations a better instrument in the service of the peoples of the world. He addressed the parliamentarians in the following words: "I appeal for your help. If the reform agenda is to succeed, it will require States to promote their national interests by advancing the global interest. You as parliamentarians can do much to mobilise public opinion and encourage government to do just that".

Following the official opening, the President of the Inter-Parliamentary Union was elected President of the Assembly.

2. Participation

Delegations of the Parliaments of the following 122 countries took part in the work of the Assembly²: Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe.

The following Associate Members also took part in the Assembly: the Andean Parliament, the European Parliament and the Latin American Parliament.

Observers included representatives of: (i) Palestine; (ii) United Nations system: International Labour Organization (ILO), Food and Agricultural Organization (FAO), United Nations Children's Fund (UNICEF), World Health Organization (WHO); (iii) African Union, International Organization for Migrations (IOM), League of Arab States, African Parliamentary Union (APU), Arab Inter-Parliamentary Union, ASEAN Inter-Parliamentary Organization (AIPO), Assembly of the Western European Union (WEU), European Parliamentarians for Africa (AWEPA), Inter-Parliamentary Assembly of the Eurasian Economic Commission, Inter-Parliamentary Assembly of the

¹ The resolutions and reports referred to in this document and general information on the Geneva session are available on the IPU web site (www.ipu.org).

² For the complete list of IPU membership, see page 16.

Commonwealth of Independent States, Maghreb Consultative Council, Parliament of the Economic Community of West African States (ECOWAS), Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Union of the Organisation of the Islamic Conference Members (PUOICM); (iv) Amnesty International, International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), World Federation of United Nations Associations (WFUNA).

Of the total of 1,022 delegates who attended the assembly, 465 were members of national parliaments. The parliamentarians included 30 presiding officers of parliament, 22 deputy presiding officers and 131 women parliamentarians (28%).

3. Choice of an Emergency Item

When it took up this item on the agenda, the Assembly had before it a proposal for the inclusion of an emergency item submitted by the delegation of Indonesia. The Assembly was informed that another proposal, submitted by the delegation of Chile, had been examined by the Assembly Steering Committee, which had ruled that the proposal did not fulfil the conditions for an emergency item under Rule 11.2(a) of the Rules of the Assembly.

The President gave the floor to the delegation of Indonesia to present its proposal entitled "*Parliamentary support for the implementation of the road map for peace in putting an end to the Palestinian-Israeli conflict and achieving a comprehensive peace process and justice in the Middle East*". The President then offered the floor to the delegation of Israel which had expressed its wish to speak against the proposal.

After these two speeches, and in view of the fact that the delegation of Israel, although it objected to certain paragraphs of the draft resolution submitted in support of the proposal, did not oppose either the title of the item or its inclusion in the Assembly agenda, the item was approved by consensus. Following the recommendation of the Steering Committee, it was decided that the Committee on Middle East Questions would be asked to hold consultations among the Members and to prepare a draft resolution for the Assembly.

4. Debates and Decisions of the Assembly and its Standing Committees

(a) Debate on the Emergency Item

The debate on the emergency item took place in the afternoon of Wednesday, 1st October. A total of 23 speakers from 18 delegations took part in the debate which was opened by the President of the Assembly, who thereafter invited the Vice-President of the Executive Committee, Mr. N. Enkhbold (Mongolia), to chair the sitting.

During the sitting of Friday, 3 October, the Assembly adopted the draft resolution by consensus. After the adoption, the delegations of the Islamic Republic of Iran and Yemen expressed reservations on those parts of the text which might be construed to imply recognition of Israel. The delegation of Palestine expressed a reservation with respect to operative paragraph 3, stating that the text did not make it clear that the Palestinian Authority had started implementing the road map. The delegation of Israel expressed a reservation with respect to paragraph 4. A delegate of the United Kingdom expressed a personal reservation on paragraphs 2 and 4. A delegate of South Africa expressed a personal reservation on the entire resolution, while the delegation as a whole stated that it wished to abstain from approving the resolution. The delegations of Jordan, the Syrian Arab Republic and Lebanon also voiced comments on the resolution. The text of the resolution can be found on page 28.

(b) The role of parliaments in assisting multilateral organisations in ensuring peace and security and in building an international coalition for peace (Item 3)

This item was considered on 1, 2 and 3 October by the First Standing Committee (Peace and International Security). This Committee held four sittings with its President, Mr. E. Menem (Argentina) in the chair. The Committee had before it a report and draft resolution prepared by the co-rapporteurs, Ms. S. Masri (Jordan) and Mr. C. Zöpel (Germany), as well as proposed amendments to the draft resolution submitted within the statutory deadline by the delegations of Cuba, Gabon, Iceland, India, Indonesia, Iran (Islamic Republic of), Japan, Norway, Romania, South Africa, Sudan, Sweden, Syrian Arab Republic, Tunisia and the United Kingdom, and sub-amendments submitted by Andorra, India and Romania.

A total of 52 speakers from 50 countries and two international organizations took the floor during the

debate on this item. Following the debate, the Committee appointed a drafting committee composed of representatives of Australia, Canada, Chile, India, Iran (Islamic Republic of), Israel, Lebanon, South Africa, Sweden, Syrian Arab Republic, Tunisia and Uruguay.

The drafting committee met on 2 October in two sittings. At the beginning of its work, it appointed Ms. P. Torsney (Canada) as its president and Mr. S. Ahluwalia (India) as rapporteur. The drafting committee examined in detail the draft resolution prepared by the co-rapporteurs and amended it by incorporating many of the proposed amendments.

In the morning of 3 October, the First Standing Committee considered the draft resolution. Two amendments, previously rejected by the drafting committee, were tabled again by the Syrian Arab Republic and Lebanon. Nine other delegations also took the floor, to table their own proposals for further amendments to the resolution. Following consultations between the President of the First Standing Committee and the president and rapporteur of the drafting committee, the draft resolution as prepared by the drafting committee was submitted to a vote and adopted by an overwhelming majority. In the afternoon of 3 October, this decision was endorsed by consensus by the plenary sitting of the Assembly. Following the endorsement of the resolution, the delegation of the Syrian Arab Republic presented reservations on the resolution. The text of the resolution can be found on page 17.

(c) Global Public Goods: A new challenge for parliaments (Item 4)

This item was considered on 1 and 2 October by the Second Standing Committee (Sustainable Development, Finance and Trade). This Committee held four sittings with its President, Mr. E. Gudfinnsson (Iceland) in the chair. The Committee had before it a report and draft resolution prepared by the co-rapporteurs, Ms. E. Matthei Fonet (Chile) and Mr. D. Oliver (Canada) as well as proposed amendments to the draft resolution submitted within the statutory deadline by the delegations of Cameroon, Cuba, Germany, India, Japan, Romania, Sudan, Sweden, Tunisia and the United Kingdom.

A total of 50 speakers from 48 countries and one non-governmental organisation took the floor during the debate on this item. Following the debate, the Committee appointed a drafting committee composed of representatives of Gabon,

Iran (Islamic Republic of), Japan, Nigeria, Peru, Portugal, Sudan, United Kingdom and Uruguay. One of the rapporteurs, Ms. Matthei Fonet, assisted the drafting committee in an advisory capacity.

The drafting committee met on 2 October. At the beginning of its work, it appointed Ms. M.G. Proenca Carvalho (Portugal) as its president and Mr. M. El-Tigani (Sudan) as rapporteur. The drafting committee scrutinised the draft resolution prepared by the co-rapporteurs and amended it by incorporating some of the proposed amendments.

On the afternoon of 2 October, the Second Standing Committee considered the resolution. Two amendments, previously rejected by the drafting committee, were tabled again, one by Norway, on behalf of Sweden, and one by Tunisia. Both amendments were adopted after a vote. The entire draft was thereafter adopted unanimously. In the afternoon of 3 October, this decision was endorsed by consensus by the plenary sitting of the Assembly. After adoption, the delegation of India expressed a reservation on certain parts of the text. The text of the resolution can be found on page 22.

(d) The contribution of new information and communication technologies to good governance, the improvement of parliamentary democracy and the management of globalisation (Item 5)

This item was considered on 1, 2 and 3 October by the Third Standing Committee (Democracy and Human Rights). This Committee held three sittings with its President, Ms. R. Kadaga (Uganda) in the chair. The First Vice-President of the Committee, Mr. Jay-Kun Yoo also chaired the proceedings during the first sitting of the Committee on 1 October. The Committee had before it a report and draft resolution prepared by the co-rapporteurs, Ms. I. Fila Lemina (Congo) and Mr. P. Martin-Lalande (France) as well as proposed amendments to the draft resolution submitted by the delegations of Australia, Egypt, India, Japan, Norway, Romania, Sweden, Switzerland, Tunisia and the United Kingdom, and sub-amendments submitted by India and Sweden.

A total of 31 speakers took the floor during the debate on this item. Following the debate, the Committee appointed a drafting committee composed of representatives of Australia, Canada, Chile, Iran (Islamic Republic of), Nigeria, Romania, South Africa, Sudan, United Arab Emirates and the

United Kingdom. The two co-rapporteurs assisted the drafting committee in its work.

The drafting committee met on 2 October. At the beginning of its work, it appointed Mr. G. Chapman (Australia) as its president and Mr. V. Zgonea (Romania) as rapporteur. Baroness Miller (United Kingdom) chaired the second part of the drafting committee's meeting. She was also appointed rapporteur to the Third Standing Committee in the absence of Mr. Zgonea.

The drafting committee examined in detail the draft resolution prepared by the co-rapporteurs and enhanced it with some of the proposed amendments.

On 3 October, the Third Standing Committee considered the resolution and adopted it unanimously. In the afternoon of 3 October, this decision was unanimously endorsed by the plenary sitting of the Assembly. The text of the resolution can be found on page 24.

173rd Session of the Governing Council of the Inter-Parliamentary Union

The Governing Council of the Inter-Parliamentary Union held its 173rd session in the *Centre international de Conférences de Genève* on 1 and 3 October 2003. The sittings were chaired by the President of the Inter-Parliamentary Union.

The Governing Council noted the President's report on his activities and meetings since the end of the 172nd session in April 2003. It also noted an oral report by the President on the activities of the Executive Committee during its 241st session. The Governing Council also took note of the interim report of the Secretary General on the activities of the Union.

1. Membership of the Inter-Parliamentary Union

The Governing Council approved a request for affiliation from the Parliament of Bahrain. Under Article 4.2 of the Statutes, it decided to suspend the affiliations of Iraq, on the grounds that the Parliament had ceased to function in that country, and of Guinea Bissau, after a coup d'état which had seen the dissolution of the Parliament. Under the same Article, it also suspended the membership of the Parliaments of Georgia, Liberia, Malawi, the Marshall Islands, Paraguay and the United States of America, all of which were more than three years in arrears in the payment of their contributions.

2. Financial Situation of the Union

The Governing Council received a comprehensive report on the financial situation of the IPU at 30 June 2003 which included a projection of budgetary outlays to 2009 and a complete listing of Members' arrears. The Governing Council approved a recommendation by the Executive Committee that future budgets should avoid erratic

changes in the scale of assessments and that Members should expect regular increases in the order of 3 per cent per annum.

The Governing Council was told that construction of the headquarters building was complete and that the renovation of the Frédéric Passy Centre, the annex that would house the archives of the Union, was almost finished. Due to generous contributions from Members the total cost of the project would be less than the available funding, and the surplus would be used to complete the landscaping and to surface the lanes and parking areas.

3. Programme and Budget for the year 2004

The Governing Council heard a report by the rapporteur of the Executive Committee, Ms. J. Fraser, on the draft programme and budget. The clear presentation of the budget, showing exactly how the assessed contributions were to be spent, had met with the approval of the Committee. It had asked the Secretary General to report in early 2005 on how many of the objectives had been met, based on the indicators provided. They had also noted the attention given to women and gender issues in the budget and encouraged this effort.

The Executive Committee had discussed the Secretary General's reorganisation of the Secretariat into four operating divisions. The clearer structure would help him to manage the activities of the Secretariat. The Committee had received assurances from the Secretary General that the Human Rights Programme and the Gender Partnership Programme managers would continue to report directly to him.

The Committee had recommended small changes to the draft budget. Paragraphs 14 to 18 of the draft text were deleted because the job descriptions were out of place in the budget. The estimate for programme spending, excluding reserve contributions, was increased by allotting CHF 20,000 for a working meeting of the CSCM Coordinating Committee.

The scale of assessments was amended by removing the memberships of Iraq and Guinea Bissau and by adding the new member, Bahrain. The Executive Committee rapporteur noted that as a result of the Governing Council decision to suspend the memberships of six countries in arrears, Liberia, the only one of the Members in arrears still being assessed for a contribution, would also be removed from the assessment scale.

On the recommendation of the Executive Committee, the Governing Council approved the 2004 operating budget as amended with gross expenditures of CHF 9,910,530 and capital expenditures of CHF 85,000 and approved an increase in the assessed contributions of 3 per cent.

The Governing Council also received a proposal from the Executive Committee to establish a foundation to raise funds and to support new activities that further the objectives of the Union by promoting democracy. The Governing Council approved the proposal and delegated the President of the Union to nominate three to five persons to be the first members of the foundation to draft and approve its constitution and by-laws. The Governing Council also authorised the Secretary General to advance up to CHF 50,000 from the Working Capital Fund to the Inter-Parliamentary Foundation to finance its start-up expenditures.

The Governing Council appointed Ms. I. Udre (Latvia) and Mr. I. Ostash (Ukraine) as the internal auditors of the Union (see page 15).

4. Cooperation with the United Nations System

The Governing Council was provided with an overview of recent activities carried out by the IPU in cooperation with the United Nations (see page 38). It also noted a report by the Secretary General on the implementation of observer status at the United Nations General Assembly (see page 41).

By granting observer status to the IPU, the General Assembly had improved the Union's rights to attend and participate in United Nations meetings. By the same token, the IPU was better placed both to influence decisions taken at the United Nations and

promote parliamentary action in individual countries in support of those decisions.

The Governing Council endorsed the need to identify priority areas of cooperation with the United Nations and to integrate those areas into the new IPU structures and working methods. It acknowledged the important role that the new Standing Committees had to play in that respect, as well as the IPU Permanent Observer Office in New York and the Secretariat in Geneva.

The Governing Council also noted the Executive Committee's recommendations for future IPU input to the work of the United Nations and in particular the preparations for the Union to participate in the deliberations taking place in October 2003 in the General Assembly High Level Segment on Financing for Development.

5. Second Conference of Presiding Officers of National Parliaments

The Governing Council approved the Executive Committee's recommendations for the membership of the committee that would prepare the Second Conference of Presiding Officers of National Parliaments (see page 15 for the membership of the Preparatory Committee).

The Preparatory Committee would hold its first meeting at IPU Headquarters in Geneva on 26 and 27 January 2004. Its task would be to (a) propose ways of identifying action taken by parliaments to implement the recommendations of the First Conference of Presiding Officers that relate to the parliamentary dimension to international cooperation; and (b) assess action taken by parliaments in support of the implementation of the Millennium Development Goals and identify best practices.

6. Recent Specialised Conferences and Meetings

The Governing Council took note of the results of the Seminar for South-West Asian Parliaments on *Parliament and the budgetary process, including from a gender perspective*, that was held in Colombo in May (see Report of the Seminar on page 57), and the Parliamentary Panel within the framework of the WTO Symposium held in Geneva in June (see Report of the Panel on page 55).

The Governing Council heard a report on the Fifth Round Table of Parliamentarians, held in Havana in September, on *The role of members of parliament in promoting sustainable development at national level within the framework of the implementation of*

the UNCCD and approved a proposal made at that meeting to establish a parliamentary network for the Convention on the UNCCD. The participants also set up a steering committee for the network on which the six geopolitical groups would be represented and which would include one member of the Bureau of the Standing Committee on Sustainable Development, Finance and Trade (see page 44 for the Declaration adopted at the close of proceedings.).

The Governing Council also heard reports on the Cancún session of the Parliamentary Conference on the WTO, held on the occasion of the 5th WTO Ministerial Conference. At the close of its proceedings, the Cancún session adopted a Declaration (see page 53).

The Governing Council heard a report on the Parliamentarians' Forum that had taken place in Ulaan Baatar on 11 September on the occasion of the 5th International Conference of New or Restored Democracies. Some 120 participants from 47 parliaments had attended the Forum at the end of which they had adopted a Declaration in which they expressed their commitment to the guiding principles of democracy as contained in the Universal Declaration on Democracy and pledged to work towards the consolidation of democracy worldwide. They notably expressed their resolve to ensure that parliaments contribute to the elaboration of standards in the field of democracy including the formulation of democracy indicators. Lastly, they urged that the Parliamentarians' Forum become a permanent feature of the International Conference of New or Restored Democracies (see page 50 for the Declaration adopted by the Forum).

Finally, the Governing Council noted a report on a recent Planning Meeting on the electoral rights of people with disabilities that had been held at the IPU Headquarters from 21 - 23 September. That meeting had prepared draft model legislation enshrining the electoral rights of these citizens and identifying mechanisms for ensuring that they could exercise them. The model legislation will be finalised in 2004 and disseminated widely for incorporation in national legislation where necessary.

7. Reports of Subsidiary Committees

At its sitting on 2 October, the Governing Council took note of the reports on the activities of the Coordinating Committee of the Meeting of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Meeting of the CSCM Coordinating Committee, and the Gender Partnership Group (see page 12).

The Governing Council also filled vacant positions on the Committee on the Human Rights of Parliamentarians and the Committee on Middle East Questions (see page 15).

After hearing the report of the Committee on Middle East Questions, the Governing Council endorsed the proposal that the IPU and the Manifesto - Movement for a Just and Lasting Peace in the Middle East jointly host the meetings of a working group of Israeli and Palestinian elected representatives set up to lay the groundwork for cooperation between the two elected parliaments. The Governing Council emphasised that this working group should hold its next meeting as soon as possible.

8. Future Inter-Parliamentary Meetings

The Governing Council took note of the meetings previously listed on the Union's programme of work for the next twelve months (see page 66) and approved four new activities for 2004, to wit: the first meeting of the Preparatory Committee of the Second Conference of Presiding Officers of National Parliaments in Geneva on 26 and 27 January; a Regional Seminar on Parliament and the Budgetary Process, including from a gender perspective, in the Arab region; a Seminar for Chairpersons and Members of Parliamentary Human Rights Bodies in Geneva on 15-17 March; and a Seminar on Freedom of Expression, also to be held in Geneva on 3-5 May.

The Governing Council also granted IPU sponsorship to a parliamentary forum to be held by the German Bundestag in Bonn on 2 June on the occasion of the International Conference for Renewable Energies, to the Sixth Workshop of Parliamentary Scholars and Parliamentarians in Oxford on 31 July and 1 August, and to the African Parliamentary Conference on the Protection of Refugees in Africa organised by the African Parliamentary Union.

The Governing Council also heard a report of the Executive Committee on the 110th Assembly of the

IPU which had been scheduled to take place in London in March/April 2004 (see page 30). The IPU has always functioned on the basic premise that membership of the organisation involves acceptance by all its Members of the principle of dialogue and that meetings of the organisation can therefore only take place when all delegates freely designated by Member parliaments are assured of receiving the required visa for participation. As the IPU had been informed by the United Kingdom Government that it could not issue visas to certain members of parliament who were subject to a European Union travel ban, the Executive Committee was forced to conclude, to its deep regret, that the 110th Assembly could not be held in London and would need to be transferred to another venue. Such was its recommendation to the Governing Council.

The Executive Committee had also instructed the Secretary General to take up the matter with European Union officials with a view to ensuring that any future sanctions regime make exceptions for meetings organised by the Inter-Parliamentary Union.

The delegation of Australia then put forward a motion whereby *"the Governing Council affirm the decision taken in Santiago de Chile that the 110th Assembly of the IPU be held in London in 2004"*. The motion was seconded by the delegation of Ireland.

Following a debate in which the delegations of Australia, Egypt, Ireland, Namibia, South Africa, Tunisia and Zimbabwe took part, the motion was put to a roll-call vote (see page 32). The motion

was defeated by 132 in favour and 87 against, with 27 abstentions. The report of the Executive Committee was thus endorsed by the Governing Council.

At its last sitting, the Governing Council was informed that the Parliament of Thailand had agreed to consider hosting the IPU Assembly in 2004 and that it was seeking formal approval from the relevant authorities in Thailand. The Union's Members received the offer by acclamation and the Governing Council formally requested Thailand to assume the responsibility of hosting the event.

9. Support to the Constitutional Process in Iraq

The Governing Council approved a proposal from the delegation of France calling for the establishment of a constitutional convention to prepare a new constitution for Iraq. The members of the convention should represent Iraqi society in all its diversity and its members should be chosen by the Iraqis themselves. Although the greater part of the convention should be held in Iraq, some sessions could take place elsewhere, perhaps on the premises of the European Parliament and Council of Europe in Strasbourg. Members of parliament from throughout the world could work alongside the Iraqi constitutionalists to advance the process. The initiative was fully in keeping with the primary mission of the Inter-Parliamentary Union which was to offer international mediation for the benefit of democracy and good governance. A preparatory meeting should be held at the IPU Headquarters before the end of the year.

241st Session of the Executive Committee

The Executive Committee held its 241st session in Geneva on 28, 29 and 30 September and 2 October 2003. The President, Mr. S. Páez Verdugo, chaired the meetings. The following members and substitutes took part in the session: Mr. F. Drilon (Philippines), Mr. N. Enkhbold (Mongolia), Mr. S. Fazakas (Hungary), Ms. J. Fraser (Canada), Ms. G. Mahlangu (South Africa), Mr. J. Máspoli (Uruguay), Mr. G. Nzouba-Ndama (Gabon), Mr. R. Rosales, substituting for Ms. Z. Rios-Montt (Guatemala), Mr. R. Salles (France), and Mr. I. Ostash (Ukraine). Mr. M. Al-Saqer (Kuwait), and Ms. P. Larsen (Denmark) were absent.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Governing Council (see page 7). Much of its session was taken on discussing the budget and other financial questions, and the venue for the 110th Assembly. The other matters considered by the Committee are summarised below.

The Committee discussed a number of matters relating to the IPU Secretariat, which was completing a restructuring exercise. It decided that negotiations should begin with the United Nations Joint Staff Pension Fund with a view to becoming a member organization of that fund on 1 January

2005, and accepted the premise that such a transfer would entail the application of the United Nations common system of salaries and benefits. The Executive Committee also approved changes to the Regulations of the Staff Pension Fund to make participants become fully vested after five years; to permit participants to validate prior non-contributory service; and to allow retirees to have a non-voting representative on the Board of the Pension Fund. The Committee was also informed of the appointment of a researcher on Gender Issues and Development Questions.

The Committee approved amendments to Articles 10.3 and 15(c) of the Statutes that would give official status to the terms of the interpretative clause adopted at the 107th Conference whereby sanctions relating to gender representation apply to delegations formed of parliamentarians of the same sex for three consecutive sessions of the Assembly. These amendments will be put to the 174th session of the Governing Council for adoption.

The Executive Committee reviewed the situation of the transitional parliaments in Angola, Burundi and Rwanda. It would no longer discuss the situation in Rwanda as the transition period had ended and elections had been recently held there.

It also considered the predicament of certain parliaments that had been suspended from the

Union a number of years ago and which had inherited debts from previous political regimes. It had decided that the debts of those parliaments could be reviewed on a case by case basis if they expressed an interest in resuming their membership of the Union.

For the first time, the Executive Committee heard a report from the Association of Secretaries General of Parliaments (ASGP), following a request made by one of its members in Santiago de Chile. The report was well received and the Committee decided that such reports should be delivered on a regular basis in the future.

On the afternoon of 29 September, an enlarged meeting of the Committee was held at which the geopolitical group coordinators and the presidents of the Standing Committees were present. The meeting considered various matters arising from the recent amendments of the Statutes relating to the membership of the Executive Committee, the tasks of the Bureaux of the Standing Committees, and the selection of items for discussion by those Committees. The Committee mandated the Gender Partnership Group to study and consider mechanisms whereby respect for Article 23.2 of the Statutes would be ensured.

Coordinating Committee of Women Parliamentarians

The Coordinating Committee of Women parliamentarians met on 30 September 2003, with its President, Ms. G. Mahlangu in the chair.

As no Meeting of Women Parliamentarians was held in Geneva, the Committee's session was primarily aimed at preparing the Ninth Meeting of Women Parliamentarians and the next session of the Coordinating Committee, both scheduled to take place on the occasion of the 110th IPU Assembly. The Committee debated the impact of the new statutes and structures of the IPU on the functioning of the Meeting of Women Parliamentarians. In particular, the Committee noted that since the deadline for submitting amendments to the draft resolution now expired before the meeting took place, it could no longer prepare a resolution on one of the Standing Committee agenda items, and submit it as its contribution. Several options were discussed with a view to maintaining women's input to the work of the Assembly. These would be further studied at

the next session. Meanwhile, the Committee agreed that at its next session the Meeting would continue the practice of debating one item on the agenda of the Assembly, until an alternative was found. The Committee also agreed that the segment of dialogue between men and women, to be included in the next Meeting of Women Parliamentarians' agenda, would focus on "*Ways and means of developing a gender sensitive budget*".

The Committee took stock of follow-up by women parliamentarians to the Santiago meetings, and more particularly the launch of the IPU/UN Handbook on the CEDAW. It also took note of the actions taken by several Members in support of Ms. Amina Lawal, a Nigerian woman sentenced to death by stoning for adultery, which contributed to her acquittal.

The Committee also discussed preparations for the panel discussion on "Sexual exploitation of children", to take place at the next Assembly. It decided that the panel should focus more

specifically on "Commercial sexual exploitation of children", despite the existence of other types of sexual exploitation. The Committee resolved that these other aspects would be covered on the occasion of a subsequent panel.

Ms. J. Fraser, member of the IPU Gender Partnership Group, reported on the Group's work in Geneva. The Committee then discussed the situation of women's participation at IPU Assemblies, and the IPU budget and efforts to ensure that it included a gender perspective. There was a debate on the difficulties faced in implementing Rule 23.2 of the Statutes and ensuring that at least 3 women sat on the Executive Committee.

The Committee therefore welcomed the fact that the Gender Partnership Group had been entrusted with the task of studying the situation and proposing solutions and mechanisms to implement this rule.

A joint session with the Gender Partnership Group took place on 2 October 2003. Participants discussed difficulties encountered by some delegates in being included in their delegation despite the fact that they are members of IPU bodies. It requested that the problem be brought to the attention of the Executive Committee and the President of the Inter-Parliamentary Union for further debate and action.

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

1. Committee on the Human Rights of Parliamentarians

The Committee on the Human Rights of Parliamentarians held its 103rd session from 28 September to 2 October 2003. The following titular members participated in its work: Ms. A. Clwyd (United Kingdom), Mr. J.-P. Letelier (Chile), Ms. V. Nedvedova (Czech Republic), Mr. M. Ousmane (Niger) and Mr. M. Samarasinghe (Sri Lanka). Ms. Clwyd and Mr. Ousmane attended only part of the session.

The Committee conducted 11 hearings with delegations from countries in which it is examining cases, and with representatives of the sources.

The Committee examined a total of 54 cases concerning 220 MPs from 28 countries (see pages 71 to 119 for text of resolutions). It submitted 30 cases to the Governing Council, eight of them for the first time. It also submitted to the Governing Council the reports on the missions it conducted in March 2003 to Colombia and in May 2002 to the Syrian Arab Republic. The Governing Council, on the recommendation of the Committee, decided to close four cases, one as a result of a fully satisfactory settlement and one after a partially satisfactory settlement, while the other two, which concerned a single country, were closed with a condemnation in the absence of any progress and cooperation from the authorities.

Committee President Samarasinghe addressed the enlarged meeting of the Executive Committee which took place on Monday, 29 September, where he raised the question of how best to ensure regular attendance of Committee members and the maximum effectiveness of its work. The Secretariat was requested to draft guidelines on this matter.

The Committee will hold its next session from 15 to 18 January 2004.

2. CSCM Coordinating Committee

The members of the Coordinating Committee of the parties to the process of the Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean (CSCM) held their twenty-seventh meeting in Geneva on Wednesday, 1 October 2003, with Mr. R. Salles in the chair. As agreed by the parties to the process during the Committee's

twenty-first meeting in Santiago de Chile in April 2003, the meeting was open to all other main and associate participants that wished to attend.

The meeting was attended by:

- Representatives from nine of the eleven Coordinating Committee members: Algeria, Egypt, France, Malta, Morocco, Slovenia, Spain, Tunisia and the representative of the Mediterranean Women's Task Force, Ms. A. Vassiliou (Cyprus);
- Representatives of seven of the other fourteen main participants: Bosnia and Herzegovina, Cyprus, Greece, Jordan, Monaco, Portugal and Turkey;
- Representatives of the following associate participants: Palestine, Assembly of the Western European Union, and the Russian Federation.

The discussion focused on the future of the CSCM, specifically the responses submitted by participants to the questionnaire on the matter. Of the twenty-four main participants, eight had partially or fully responded to the questionnaire. The participants discussed whether there was a need to wait for further responses and whether it was possible to convene a working group to outline the next steps in the process. After much debate, the representatives agreed to:

- Allow the remaining participants to respond to the questionnaire by 5 December 2003;
- Hold a meeting of the Coordinating Committee in early 2004, tentatively in the first week of February, to lay the groundwork for establishing the Parliamentary Assembly of Mediterranean States at a Fourth CSCM Conference to be held after the 110th IPU Assembly; in addition to the regular members of the Coordinating Committee, the co-rapporteur from Greece would also be invited;
- Have Mr. Salles ask the Union's governing bodies to add the meeting to the Union's programme of work for 2004 and to include an appropriation of CHF 20,000 in the budget for that year to fund the meeting.

Ms. H. D'Amato (Malta) presented the draft Rules of Procedure and Financial Regulations of the proposed Parliamentary Assembly of Mediterranean States to the Committee. The draft

will be translated and circulated to the members of the Committee before the February meeting.

3. Committee on Middle East Questions

The Committee met on 1st October 2003 with Mr. F. Vallersnes (Norway), in the chair. The other titular members present were Ms. M. Bergé-Lavigne (France), Ms. P. Chagsuchinda (Thailand), Mr. S. El-Alfi (Egypt) and Mr. T. Hadjigeorgiou (Cyprus).

The Committee welcomed the fact that on 17 July 2003 the IPU and the Manifesto - Movement for a Just and Lasting Peace in the Middle East - had co hosted a meeting in Geneva between legislators of the Knesset and the Palestinian Legislative Council, and that the meeting had ended with the two parties agreeing to establish a working group of Israeli and Palestinian elected representatives to lay the groundwork for cooperation between the two elected parliaments, within the peace process and with a view to a peace agreement between Israel and Palestine.

The Committee session was attended by two members of the Israeli Knesset, a member of the Palestine National Council, two representatives of Egypt, a representative of Jordan and a representative of the League of Arab States. The Committee took note of the statement made by the delegate of Palestine that the Palestinians had started to implement their commitments under the road map, appointing a Prime Minister and declaring a truce that had lasted 51 days. The Committee also took note of the statement made by the Israeli delegates who expressed the Israeli Government's willingness to continue negotiations provided that there was an end to terrorist attacks against the population of Israel.

After hearing the delegations, the Committee expressed grave concern about the worsening situation in the area. It deeply deplored the fact that during the last three years, since the beginning of the second Intifada, more than 2,400 Palestinians and 800 Israelis, mostly civilians, had been killed.

Finally, the Committee welcomed the opportunity afforded by the 109th Assembly to draft the resolution pertaining to the emergency item included in the agenda: *Parliamentary support for the implementation of the road map for peace in putting an end to the Palestinian-Israeli conflict and achieving a comprehensive peace process and justice in the Middle East.*

4. Gender Partnership Group

The Gender Partnership Group held its 12th session on 28 September 2003. Participants included Ms. J. Fraser, Ms. G. Mahlangu, Mr. R. Salles and Mr. J. Máspoli, substituting for Mr. W. Abdala. Mr. Salles acted as moderator.

In Geneva, the Group followed-up on the work initiated in Santiago and (i) monitored the participation of women at the Geneva Assembly, paying particular attention to the impact of the amendments to the Statutes adopted in Santiago; (ii) scrutinised the IPU budget and debated means of ensuring that it is gender sensitive; and (iii) monitored the situation of parliaments that do not currently include women.

The Group discussed the composition of delegations in Geneva and at previous IPU Conferences (1999-2003). It welcomed the fact that women accounted for 28% of delegates and that the percentage of single-sex delegations had decreased, although it remained high. The Group decided to continue to monitor the situation of these single-sex delegations.

The Group analysed the 2004 Operational Budget of the IPU and assessed the extent to which it had incorporated a gender perspective. While the majority of the IPU Secretariat were women, many were in lower grade positions. Despite a slight progress compared to the previous budget, the Group stressed the need to improve the situation. It welcomed the stated objective of providing supervisory and management training to women staff members. It also recommended that in future recruitment processes, at least one woman be included on every shortlist. Finally it welcomed the fact that the number of staff in the Programme for Partnership between Men and Women had been increased slightly as had its operational budget.

The Group proposed to report on progress made in this field in April 2005, in conjunction with the Audit Report of the 2004 Operational Budget. It also agreed to continue, at each session, to debate and analyse the effectiveness of indicators and mechanisms used in the budget.

The Group discussed the situations of those countries that did not have women in their parliament. It welcomed positive developments in some countries and stressed the need to continue to monitor the situation.

Other events

1. Panel discussion on *Challenges facing the International Criminal Court*

On 2 October a panel discussion entitled "Challenges facing the International Criminal Court" took place. Mr. L. Moreno-Ocampo, the Chief Prosecutor of the Court opened the discussion and presented the main features of the International Criminal Court (ICC) as well as the work and priorities of his Office. The second panellist, Mr. J. Kacin, Chairman of the Foreign Affairs Committee of the Slovenian Parliament, described how the requirements of the ICC were being met in his country. Mr. J. O'Donohue from Amnesty International and Mr. W. Pace, Convenor of the Coalition for the Establishment of the ICC, concluded the series of presentations by sharing their views on the challenges which had emerged to making the ICC truly effective. An interactive and lively debate followed in which panellists took questions from the floor.

2. Briefing Session on *The role that parliamentarians can play in the prevention of torture and ill-treatment*

The Association for the Prevention of Torture (APT), a human rights NGO, organised a briefing session on 3 October on the role that parliamentarians can play in the prevention of torture and ill-treatment. The former Swiss Minister of Justice and former Chairperson of the UN Committee against Torture, Mr. J. Voyame, opened by stressing the value of visits to places of detention as a way of preventing torture and other forms of ill-treatment. Mr. R. Gautier, member of the Geneva Parliament's Committee for Official Visits, shared his personal experiences and launched an appeal to

parliamentarians to set up similar mechanisms in their countries. Finally, Ms. B. Bernath, APT Programme Officer for Europe and Adviser to the Geneva Parliament's Committee for Official Visits, presented the Optional Protocol to the Convention against Torture, which was adopted and opened for signature by the UN General Assembly in December 2002, and explained how parliaments could be involved in making the new instrument effective in their country. In the ensuing plenary debate, the parliamentarians attending responded keenly to the suggestions raised in the presentations and expressed their commitment to assuming their responsibilities in preventing ill-treatment.

3. Inauguration of the House of Parliaments, new IPU Headquarters

On 3 October, the new headquarters of the IPU in Geneva – *The House of Parliaments* – were inaugurated in the presence of the delegations attending the 109th Assembly.

The delegates were addressed by Mr. Sergei Ordzhonikidze, Director-General of the Office of the United Nations at Geneva, Mr. Laurent Moutinot, President of the Conseil d'Etat of the Republic and Canton of Geneva, Mr. Yves Christen, President of the National Council of Switzerland and Ms. Micheline Calmy-Rey, Chief of the Federal Department of Foreign Affairs.

The President of the IPU, Senator Sergio Pérez Verdugo, then declared *The House of Parliaments* formally open and proceeded, together with the dignitaries, to cut the inaugural ribbon.

Elections and appointments

1. Office of President of the 109th Inter-Parliamentary Assembly

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

2. Executive Committee

The Governing Council elected Mr. H. Al Hadi (Libyan Arab Jamahiriya) to replace Mr. Al-Mansury (deceased) until September 2006, and Mr. F.X. Ole Kaparo (Kenya), Ms. M.N. Mensah (Namibia), Mr. O.F. Natchaba (Togo), Mr. Lü Congmin (China), Mr. T. Kawara (Japan), Mr. P. Rattanapian (Thailand), Mr. J. Jorge (Brazil), and Mr. J. Austin (United Kingdom) for a four year term of office until September 2007.

3. Rapporteurs of the Standing Committees to the 110th Assembly

Standing Committee on Peace and International Security

Mr. R. del Picchia (France)
Mr. R.V. Mongbè (Benin)

Standing Committee on Sustainable Development, Finance and Trade

Ms. A.O. Tamboura (Mali)
Mr. A. Colman (United Kingdom)

Standing Committee on Democracy and Human Rights

Mr. K. Chutikul (Thailand)
Ms. L. Salas-Salazar (Costa Rica)

4. Committee on the Human Rights of Parliamentarians

Mr. L. Hierro (Uruguay) was elected as a titular member for a five year term until September 2008. Mr. F. Margaín (Mexico) and Ms. M.-J. Laloy (Belgium) were elected as substitute members for a five year term until September 2008.

5. Committee on Middle East Questions

Mr. O. Bah (Guinea) was elected as a titular member to replace Mr. R. Ahouadjinou (Benin) who is no longer a parliamentarian.

6. Preparatory Committee of the Second Conference of Presiding Officers of National Parliaments

President

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

Presiding Officers of National Parliaments

Ms. M. Quevedo Acalinovic, President of the Senate of Bolivia
Mr. G. Nzouba Ndama, President of the National Assembly of Gabon
Mr. W. Thierse, President of the Bundestag of Germany
Ms. K. Szili, President of the National Assembly of Hungary

Mr. P.F. Casini, President of the Chamber of Deputies of Italy

Mr. S.H. Al-Srouf, Speaker of the House of Representatives of Jordan

Ms. I. Udre, Chairman of the Saeima of Latvia

Mr. I. Boubakar Keita, President of the National Assembly of Mali

Mr. E. Jackson Ramirez, President of the Senate of Mexico

Mr. A. Radi, President of the Chamber of Representatives of Morocco

Mr. M. Tjitendero, Speaker of the National Assembly of Namibia

Mr. K. Yong Park, Speaker of the National Assembly of the Republic of Korea

Mr. J.M. Perera, Speaker of the Parliament of Sri Lanka

Mr. B. von Sydow, Speaker of the Riksdag of Sweden

Presiding Officer of the Russian Parliament, to be nominated after elections on 7 December

Members of the Executive Committee

One member representing the African region, to be nominated

One member representing the Asia-Pacific region, to be nominated

Ms. Z. Ríos-Montt, Second Vice-President of the Congress of the Republic of Guatemala (until the expiry of her term)

Mr. S. Fazakas, President of the Inter-Parliamentary Group of Hungary

Representatives of the British and French Groups, Founding Members of the IPU

Mr. R. del Picchia, Executive President of the French IPU Group

Mr. J. Austin, President of the British IPU Group

Senior representative of the United Nations Secretary-General

Secretary General of the Inter-Parliamentary Union

Mr. A.B. Johnsson

7. Auditors for the 2003 accounts

The Governing Council appointed Ms. I. Udre (Latvia) and Mr. I. Ostash (Ukraine) as auditors for the 2003 accounts of the Union.

Membership of the Union*

Members (138)

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

Associate Members (5)

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

* At the closure of the Assembly

Resolutions, Decisions and Votes of the 109th Assembly of the Inter-Parliamentary Union

THE ROLE OF PARLIAMENTS IN ASSISTING MULTILATERAL ORGANISATIONS IN ENSURING PEACE AND SECURITY AND IN BUILDING AN INTERNATIONAL COALITION FOR PEACE

Resolution adopted by consensus by the 109th IPU Assembly
(Geneva, 3 October 2003)*

The 109th Assembly of the Inter-Parliamentary Union,

Noting the importance of parliaments as the cornerstone of democracy and their role in promoting peace,

Considering that peace and justice are two interdependent issues of fundamental importance to humankind,

Noting that peace is not only a political issue defined by the absence of violence and war and that it also encompasses cultural, economic, social and educational issues,

Recognising that not only physical violence but also increasingly acute social, cultural and ethnic tensions, such as those resulting from severe pollution, impoverishment of the environment, corruption or poverty, aggravate the threat to peace and security,

Concerned moreover that the mass of weaponry produced throughout the world is a threat to the human race, as well as an enormous waste of resources in terms of human labour, financial investment, and the cost of stockpiling and deployment,

Recognising the fact that terrorism, including State terrorism and State-sponsored terrorism, has affected many countries of the world in a variety of ways for several decades,

Observing that, in the final decade of the last century and the first years of the present one, peace and security worldwide are still under threat from terrorism in all its forms and manifestations, armed internal conflicts, aggression, wars between members of the international community, occupation and weapons of mass destruction,

Aware that terrorism and organised crime, especially trafficking in weapons, drugs and human beings, are often closely interrelated, and *welcoming* in this context the recent entry into force of the United Nations Convention against Transnational Organised Crime,

Drawing attention to UN Security Council resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001,

Mindful that, to prevent security from being threatened, joint global counteractive measures are required to combat environmental problems,

Convinced that parliamentarians can play an important role in early conflict prevention,

* Reservations were expressed by the delegation of the Syrian Arab Republic.

Reaffirming its position that internal conflicts in all countries and their spread into other countries can be averted through mutual respect and coexistence among the various religious and ethnic groups, as well as through dialogue and openness and a comprehensive and anticipatory development policy comprising political, economic, social and environmental elements,

Also reaffirming IPU resolutions *Achieving peace, stability and comprehensive development in the world and forging closer political, economic and cultural ties among peoples* (103rd Conference, Amman, April-May 2000), *Financing for development and a new paradigm of economic and social development designed to eradicate poverty* (104th Conference, Jakarta, October 2000), *Securing observance of the principles of international law in the interests of world peace and security* (105th Conference, Havana, April 2001), *Ten years after Rio: global degradation of the environment and parliamentary support for the Kyoto Protocol* (107th Conference, Marrakech, March 2002), and *Importance of the non-proliferation of nuclear, chemical and biological weapons of mass destruction and of missiles, including the prevention of their use by terrorists* (108th Conference, Santiago de Chile, April 2003),

Convinced that strengthening democracy, promoting human rights and supporting the peaceful settlement of conflicts are the most effective means of combating terrorism,

Concerned that the United Nations system has often been unable to prevent wars between members of the international community, and *reaffirming* the paramount importance of all States abiding by the United Nations Charter and resolutions,

Mindful of the importance of international instruments on the protection of fundamental human rights and liberties, for men and women alike,

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

Stressing that education, particularly human rights education, is essential, and *recognising* the positive role that children can play in building a culture of peace,

Aware of the significant roles played by different sectors of civil society and of the importance of their cooperation with parliaments to foster democracy, peace and security,

1. *Calls on* governments and parliaments to promote reconciliation processes aimed at achieving sustainable solutions to internal conflicts;
2. *Also calls on* all parliaments to do everything possible at the national level to facilitate the establishment of standing mechanisms for conflict prevention and resolution, as a way to promote action geared to achieving real peace;
3. *Further calls on* all parliamentarians to work hard to limit the effects of war on civilians, whom they represent, particularly as regards the vulnerable situation of women and children and the consequences of rape;
4. *Emphasises* the need for better control of small arms, encompassing the trading, trafficking and smuggling of small arms, in order to reduce the risk of violent conflicts;
5. *Unequivocally condemns* terrorism as a criminal act, noting that terrorism endangers the territorial integrity of countries and their national and international security, destroys innocent lives and the physical and economic infrastructure, and destabilises not only legitimately constituted governments but society as a whole;

6. *Emphasises* the need for the Inter-Parliamentary Union to focus more closely on the issue of terrorism and its root causes, and to work with the international community on a definition of terrorism;
7. *Vigorously condemns* all terrorist acts, methods and practices, and considers them criminal and unjustifiable, wherever and by whomever they are committed;
8. *Strongly urges* all States and governments worldwide to refrain from funding or encouraging terrorist activity, supporting it by any other means, providing training for it or allowing their territory to be used for organising terrorist activities against other States, individuals or groups of individuals;
9. *Urges* the Inter-Parliamentary Union to cooperate closely with the Counter-Terrorism Committee established under Security Council resolution 1373 (2001) and the Vienna-based United Nations Terrorism Prevention Branch, and to promote the implementation of the Global Programme against Terrorism;
10. *Invites* all States to consider, if they have not yet done so, acceding to and/or ratifying international instruments, as appropriate, in particular the Protocols additional to the Geneva Conventions and the Rome Statute establishing the International Criminal Court, and *recalls* that, in establishing the crimes falling within the jurisdiction of the International Criminal Court, the latter's Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence both as war crimes and, when committed as part of a widespread or systematic attack directed against any civilian population, as crimes against humanity;
11. *Reaffirms* its deep apprehension at the increase in terrorism and therefore:
 - (a) *Reiterates* its call to the world's parliaments to promote consensus on the United Nations conventions on terrorism, referring in this connection to the resolution entitled *Terrorism – a threat to democracy, human rights and civil society: the contribution of parliaments to combating international terrorism and addressing its causes in order to maintain international peace and security*, adopted by the 107th Conference, Marrakech, March 2002;
 - (b) *Stresses* the need to confront the exercise of terror and eliminate the causes that lead to its development, and *urges* all States to enhance cooperation in the fight against terrorism in all its forms and manifestations;
 - (c) *Reaffirms* its commitment to eliminate any perception that the fight against terrorism is also a fight against particular cultures, peoples or religions;
 - (d) *Calls* for the enhancement of national and multilateral export administration systems as part of the fight against terrorism;
 - (e) *Calls on* each country to ratify promptly the relevant international and regional treaties, conventions and protocols against terrorism;
 - (f) *Calls on* parliaments to support the elaboration of a comprehensive United Nations convention on international terrorism, and of an international convention for the suppression of acts of nuclear terrorism;
12. *Calls on* all parliamentarians to press their governments to sign, accede to and ratify all international instruments drafted to eliminate the world's arsenal of weapons;

13. *Calls* the international community's attention to the need for best efforts to resolve these issues as peacefully as possible, and *expresses* the IPU's firm determination to become involved in global cooperation for resolving such issues through dialogue among parliamentarians and cooperation with relevant international bodies, thus contributing to world peace and security;
14. *Calls on* all countries to intensify efforts to prevent and curb the proliferation of weapons of mass destruction, and to consolidate policies for preventing equipment, materials and technology which may possibly be used for any proliferation of such weapons from being transferred, especially to terrorists;
15. *Recognises* the need for a reform of the United Nations, in particular by enlarging the Security Council to make it more representative and effective in addressing issues of international peace and security;
16. *Agrees* that peace at a global level can only be achieved through dialogue, within the framework of international law;
17. *Calls on* the United Nations to place peace, an issue of grave human concern, on the agenda of its General Assembly meetings;
18. *Calls on* the Inter-Parliamentary Union to exercise its right as an observer to the United Nations to speak during security policy debates in the United Nations General Assembly;
19. *Views with great concern* the continuing occupation of territories belonging to other nations, while noting that any attempts to disrupt partially or totally the national unity and territorial integrity of a country are incompatible with the purposes and principles of the Charter of the United Nations;
20. *Calls on* the multilateral organisations to support efforts to achieve the following:
 - (a) The immediate termination of all forms of occupation;
 - (b) The formal recognition of the responsibility of all occupying forces for the remedy of all ills caused by occupation, including the misappropriation of resources, damage to infrastructure, deterioration of the environment and impediments to economic, social, cultural and educational achievement;
 - (c) The qualification of occupation as an infringement of international law;
21. *Stresses* the importance for the United Nations to enhance its involvement and play a key role in the reconstruction process in Iraq, so as to allow the Iraqi people to decide independently on the measures which they find most suitable and which are compatible with their aspirations;
22. *Further stresses* that Article 2 of the United Nations Charter should be observed in both letter and spirit and that, although the IPU and other multilateral organisations involved should assist the Iraqi people in their endeavour to regenerate their own State, no attempt should be tolerated to impose upon them what they do not voluntarily accept;
23. *Agrees* that efforts to promote the concept and culture of peace and to renounce violence should be encouraged by fostering intercultural and inter-faith understanding and respect and by eliminating all forms of discrimination;
24. *Calls on* parliaments and governments to strengthen measures to combat poverty, corruption and environmental destruction through international cooperation, and to devote attention to the gender implications of conflict;

25. *Also calls on* governments to ensure that education seeks to promote respect and understanding, free from false indoctrination and hatred in various forms;
26. *Further calls on* parliaments to support national efforts and international cooperation aimed at promoting education for all, while paying special attention to human rights education as a means of fostering the culture of peace;
27. *Encourages* all parliamentarians to urge their governments and political parties to promote social justice as a guarantee for the establishment of lasting peace;
28. *Also encourages* parliaments to support NGOs, including those which seek to promote peace through art in all its forms.

GLOBAL PUBLIC GOODS: A NEW CHALLENGE FOR PARLIAMENTS

Resolution adopted by consensus by the 109th IPU Assembly (Geneva, 3 October 2003)*

The 109th Assembly of the Inter-Parliamentary Union,

Recognising the increased globalisation and interdependence among world economies, and the enormous importance acquired by Global Public Goods,

Stressing the importance of the United Nations Millennium Declaration in increasing political and economic stability and reducing worldwide poverty,

Recognising the need for disseminating the concept of Global Public Goods as a new rationale for international cooperation,

Emphasising the collective responsibility of nations to debate resolutions to accelerate the process of development assistance by helping determine, with the appropriate parliamentary debates and national consultations of constituent groups, the definition of Global Public Goods and the way to finance them,

Noting the emphasis placed on Global Public Goods by the World Bank, the United Nations and the Inter-Parliamentary Union in tackling the problem of world food security,

Further noting that a definition of Global Public Goods will enable governments to have a greater influence on the development of their countries, especially with respect to provision of such goods at the domestic level,

Considering the impact of Global Public Goods on neighbouring countries and regions,

Emphasising that the consumption of traditionally defined Global Public Goods by one person does not reduce the possible consumption by another, irrespective of income levels,

Acknowledging that countries have differing incomes, economic structures and social priorities,

1. *Calls on* both developed and developing countries to recognise that Global Public Goods have transnational effects and therefore require joint assumption of responsibility;
2. *Calls on* both developed and developing countries to promote an active debate among public policy makers, civil society, businesses and academia, while stimulating further research on the subject of Global Public Goods;
3. *Urges* governments, parliaments, international organisations and donor agencies to channel financial resources to poor countries, especially those in the Heavily Indebted Poor Countries (HIPC) category, and to pay special attention to the debt burden of developing countries, which hinders them from providing Global Public Goods at the domestic level;

*

The delegation of India expressed reservations on certain parts of the text.

4. *Emphasises* the need for close cooperation among governments, parliaments, businesses, international organisations and NGOs if Global Public Goods are to play a role in the pursuit of economic growth, which is necessary for the eradication of world poverty, but which should not be achieved at the expense of the environment;
5. *Urges* the representatives of States to meet to evaluate preferences for Global Public Goods that cross borders;
6. *Encourages* governments jointly to identify and rank various Global Public Goods in order of financial feasibility and ease of implementation in order to lessen friction arising from the choice of alternatives;
7. *Stresses* the need to build financial solutions on the principle that nobody should be able to gain from Global Public Goods at the expense of another person and on the principles agreed upon at the UN Summit Meetings, for example the "polluter pays" principle;
8. *Urges* the governments of developed and developing countries to ensure that Global Public Goods are not financed at the expense of traditional sources of development finance;
9. *Calls on* governments to convene in a forum to exchange information about various financing mechanisms, including innovative use of private sources of funding, to be managed within the framework of the World Solidarity Fund adopted by the United Nations on 20 December 2002;
10. *Calls on* the IPU Member parliaments to encourage governments to adopt, if required, the legal frameworks needed to institute agreed financing mechanisms, and to monitor the pursuit by governments of the above-mentioned objectives.

**THE CONTRIBUTION OF NEW INFORMATION AND COMMUNICATION TECHNOLOGIES
TO GOOD GOVERNANCE, THE IMPROVEMENT OF PARLIAMENTARY DEMOCRACY AND
THE MANAGEMENT OF GLOBALISATION**

***Resolution adopted unanimously by the 109th IPU Assembly
(Geneva, 3 October 2003)***

The 109th Assembly of the Inter-Parliamentary Union,

Hoping that the new information and communication technologies (NICTs) will help to build a more peaceful, more prosperous and fairer world based on global public goods in all their diversity,

Convinced that the NICTs can bring about significant political, economic and social changes that will reduce distances and generate new cultures and markets, although they give rise to concerns as well as hopes,

Also convinced that the NICTs play an increasingly important role in socio-cultural, economic and political development in an era of globalisation,

Mindful that the NICTs facilitate the sharing of knowledge among peoples,

Fully supporting the forthcoming World Summit on the Information Society, as a unique opportunity to foster the global consensus and commitment required to harness the power of the NICTs to advance human development,

Mindful that the NICTs as such are not the solution to the world's problems but rather tools, mechanisms and opportunities that require the political will of society and cooperation among States in order to ensure that they serve the goals pursued at the national and international level,

Emphasising the many financial, economic and social restrictions and barriers hindering the use of the NICTs in developing societies, including inadequate financial resources to cover the huge investments needed in this field, a shortage of managers and skilled personnel, weak demand for such services due to limited purchasing power and low incomes, and the rising costs of the services provided by the NICTs,

Recalling that good governance requires, within each country and at the international level, an ethic for the management of the State and its resources based on principles and norms that include requirements of transparency, accountability, communication, respect for the rule of law, an independent judiciary and a liberal and democratic State that protects human rights, guarantees clear rules for the free play of market forces and favours the unfettered development of civil society in all its cultural, economic, societal and political dimensions, enabling it to exercise a democratic power of initiative and oversight,

Underscoring that traditional means of communication, transparency and accountability, no matter how indispensable, can be enhanced by the NICTs to further good management of governance,

Recalling that the NICTs facilitate the defence and promotion of human rights and gender equality,

Asserting that without an appropriate public policy, the NICTs cannot be a factor of shared progress,

Noting that the majority of the developing countries have lagged behind the North in the economic and social field, *fearing* that the extremely rapid development of the NICTs may further widen the digital divide between industrialised and developing countries, and *recognising* the need to narrow the gap,

Placing great importance on mutual cooperation between industrialised and developing countries for further promotion of the NICTs on a worldwide basis,

Acknowledging that the NICTs can enhance but do not obviate the duty of national parliaments to take responsibility for good governance and parliamentary democracy in their own countries,

Mindful that if citizens are to fulfil their duties and assert their rights, they must be able to access and utilise information,

Aware that the NICTs can be a very useful tool for consolidating and renewing parliamentary democracy by allowing better participation by all citizens,

Noting that the NICTs make it easier to manage and participate in the globalisation process, especially as far as the international organisations are concerned,

Hoping that the NICTs will be used for development, and *noting* the importance of the NICTs as an integral part of efforts to combat poverty and discrimination and achieve the Millennium Goals,

Recalling that the NICTs advance education and training which are essential for development and gender equality,

Mindful that each State has a duty to ensure that the NICTs are acquired and utilised properly,

Regretting that the NICTs have to a large extent been used for so-called spam mail and destructive purposes involving anti-democratic messages and degrading pornographic content and including unregulated weapons trading,

1. *Calls on* parliaments to support the successful completion of the World Summit on the Information Society and to take the necessary steps to ensure that their representatives are included in the national delegations to the Summit;
2. *Calls on* parliaments and their members to make full use of the NICTs:
 - to enhance the effectiveness, efficiency and transparency of their activities and to better connect with the electorate;
 - to expand inter-parliamentary relationships and cooperation at bilateral and multilateral levels, thus enhancing parliamentary democracy and diplomacy;
3. *Urges* the establishment of appropriate aid mechanisms, including an NICT observatory for Africa and other disadvantaged regions, and *recommends* the establishment of a network of correspondents among IPU Member parliaments;
4. *Recommends* that each parliament put in place the necessary structures to follow up and monitor annually the development of e-government in its country so as to guarantee its transparency for citizens and democracy;
5. *Urges* governments to take the necessary steps to ensure free community access to those NICTs that guarantee good governance;
6. *Calls on* the international community to seek further means of closing the South's NICT gap;
7. *Invites* the international community to promote NICT training for managers and technicians from the South;

8. *Calls on* international organisations and NGOs to promote knowledge sharing in this area and the establishment of NICT networks, in cooperation with partners from both the South and the North;
9. *Urges* governments to use the NICTs to broaden distance education, which can reach groups of people that otherwise would not have access to education;
10. *Draws* governments' attention to the need to strengthen the personal protection and security of the users of the NICTs and to strive for legislation on international range;
11. *Urges* governments to find ways to limit the use of spam mail and the use of the NICTs for destructive purposes;
12. *Supports* all NICT-related initiatives aimed at respecting and promoting linguistic and cultural diversity;
13. *Calls for* the introduction of national and regional policies that incorporate the development of information and communication infrastructures and existing resources;
14. *Calls on* the international community to promote the use of the NICTs to enhance civic involvement in public decision-making;
15. *Also calls on* governments to see to it that the NICTs are acquired and used properly with a view to guaranteeing good governance and avoiding all forms of discrimination;
16. *Encourages* States to put in place national strategies centred on education, including basic and digital literacy, for the implementation of the information society;
17. *Calls for* strengthened national efforts and international cooperation in order to prevent and combat the use of the NICTs for criminal and terrorist ends;
18. *Encourages* national policies and international action aimed at ensuring that the NICTs serve gender equality and the empowerment of women;
19. *Invites* parliaments to take legislative action with the aim of providing an environment conducive to the dissemination, development and secure use of the NICTs;
20. *Reaffirms* the principle of freedom of expression in cyberspace, with the restrictions required by the fight against terrorism, pornography, trafficking in human beings, organised crime, racism, revisionism and discrimination;
21. *Stresses* the need to facilitate Internet hook-ups by breaking the monopoly of the telephone companies and promoting cheaper alternative solutions;
22. *Considers* that the new technologies must help to integrate generations and social groups;
23. *Stresses* that the IPU can contribute to strengthening North-South and South-South cooperation in the NICT field via appropriate mechanisms;
24. *Urges* the Inter-Parliamentary Union to create a climate conducive to the advent of the information society by:
 - Encouraging the use of the NICTs in the organisation of elections so as to guarantee the democratic process, particularly in the countries of the South;

- Strengthening the role of parliaments in following up decisions and resolutions relating to the information society by monitoring and implementing commitments made by governments in the NICT field;
- Encouraging parliaments to commit themselves to knowledge acquisition, consultancy and assistance in the NICT field with a view to consolidating parliamentary democracy;
- Further helping parliaments from emerging democracies and developing countries to take full advantage of the NICTs, by means of its technical assistance programmes.

**PARLIAMENTARY SUPPORT FOR THE IMPLEMENTATION OF THE ROAD MAP FOR PEACE IN
PUTTING AN END TO THE PALESTINIAN-ISRAELI CONFLICT AND ACHIEVING A
COMPREHENSIVE PEACE PROCESS AND JUSTICE IN THE MIDDLE EAST**

Draft resolution adopted by consensus by the 109th Assembly
(Geneva, 3 October 2003)*

The 109th Inter-Parliamentary Assembly,

Recalling its resolutions adopted at the 104th Conference, October 2000 (Jakarta), at the 106th Conference, September 2001 (Ouagadougou), and at the 107th Conference, March 2002 (Marrakech), which called for an end to the tension and violence in the Middle East,

Reiterating its support for a just and lasting solution to the Palestinian-Israeli conflict based on the relevant United Nations resolutions,

Recognising the full acceptance by the Palestinian Authority of the road map for peace proposed by the Quartet (the United States, the United Nations, the European Union and the Russian Federation) and *noting* the subsequent conditional acceptance of it by Israel,

1. *Strongly urges* the international community to exert pressure on Israel to desist from any act aimed at the expulsion of President Yasser Arafat and to cease all threats to the safety of the legitimately elected head of the Palestinian Authority;
2. *Urges* Israel to halt the building of settlements in the occupied territories, which, along with the demolition of Palestinian homes and property, is in contravention of the Fourth Geneva Convention and the road map, to abandon its policy of erecting fences and imposing paralysing closures, and to stop using its regular army to police the civilian population and conduct extrajudicial killings in the occupied territories;
3. *Demands* that the Palestinian Authority take all necessary measures to put an end to the violent attacks that result in the deaths of large numbers of civilians and innocent people;
4. *Urges* Israel to withdraw completely from all the occupied territories in order to achieve a comprehensive peace process and justice in the Middle East in accordance with United Nations and IPU resolutions;
5. *Calls on* the UN Security Council and the Quartet to guarantee the full implementation of the road map, including by sending international observers to monitor the stage-by-stage implementation on the ground of the decisions contained in the road map;

*

The delegations of the Islamic Republic of Iran and Yemen expressed reservations on those parts of the text which might be construed to imply recognition of Israel. The delegation of Palestine expressed a reservation with respect to paragraph 3 stating that the text did not make it clear that the Palestinian Authority had started implementing the road map. The delegation of Israel expressed a reservation with respect to paragraph 4. A delegate of the United Kingdom expressed a personal reservation on paragraphs 2 and 4. A delegate of South Africa expressed a personal reservation on the entire resolution while the delegation as a whole stated that it wished to abstain from approving the resolution. The delegations of Jordan, the Syrian Arab Republic and Lebanon also voiced comments on the resolution.

6. *Calls on* both parties to return to the negotiating table and put an end to the cycle of violence in order to save lives on both sides, *urges* the parties to enact confidence-building measures, and *encourages* them to reach an accord through bilateral negotiations within the framework of the road map;
7. *Calls also on* both parties immediately to begin considering building a lasting peace through education for peaceful coexistence.

Reports, Decisions, Resolutions and other texts of the 173rd Session of the Governing Council of the Inter-Parliamentary Union

REPORT OF THE EXECUTIVE COMMITTEE ON THE 110th ASSEMBLY

*Endorsed by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

1. The Inter-Parliamentary Union is the international organisation of the parliaments of sovereign States. It aims fundamentally at promoting peace and democracy through political dialogue. It has functioned for more than one hundred years on the basic premise that membership of the organisation involves acceptance by all its Members of the principle of dialogue between the representatives of different, or even opposing, political, economic and social systems. Indeed, meetings of the organisation can only take place when all delegates freely designated by Member Parliaments as stipulated in Article 10.1 of the Statutes are also assured of receiving the required visa for participation.

2. For these reasons, the IPU concludes an Agreement with the host country for every meeting organised by the Union which includes an Article 5 as follows:

"In conformity with the Union's principles, an Assembly of the Inter-Parliamentary Union can only be held if all the IPU Members/National Groups duly affiliated or the members of the Parliament requesting affiliation to the Organisation, as well as the observers on the list established by the Governing Council of the Inter-Parliamentary Union, are invited and if their representatives are assured of receiving the necessary visas for participation."

3. The Chairman of the British Group of the Inter-Parliamentary Union has informed the IPU that the United Kingdom Government has concluded that the Agreement cannot be signed as drafted. Their principal objection concerns Article 5 of the Agreement, which they wish to see amended either directly or indirectly. The reasons for this are set out in the British Group's communication in the following terms:

"Government ministers cannot guarantee to issue visas to all participants in the Assembly. This would involve a commitment to issue visas to people who may be subject to an international travel ban or may be unacceptable to the UK for legitimate reasons. As you will appreciate, travel bans implemented through an EU Common Position or UN Sanctions are binding upon members of the EU or UN respectively. Arguing for an exemption to those commitments for those attending the Assembly would be politically unacceptable, would run contrary both to our international commitments and to our policy of keeping up international pressure on those regimes which are subject to sanctions."

4. When examining this issue, the Executive Committee has noted that there are no travel bans or similar restrictions issued by the United Nations that could affect delegations wishing to attend the 110th Assembly in London. However, there are sanctions established by the European Union through a common position that affects one Member Parliament of the IPU.

5. The IPU has faced this dilemma in other situations in recent years. On those occasions, the travel bans were similarly worded and the Union obtained an exception from the governments concerned so that the delegates involved could attend the IPU meetings in question. The British Group of the IPU has informed the Executive Committee that the UK Government has concluded that the current formulation of the travel ban does not allow for an exception to be made and that it will not request such an exception.

6. The Executive Committee holds the view that the principle that is involved lies at the very heart of the organisation's *raison d'être* and to put it aside would be tantamount to violating the Union's Statutes.

Moreover, it believes that the IPU, which is a universal parliamentary organisation, cannot be bound by a sanctions regime established by a regional intergovernmental entity.

7. The Executive Committee wishes to place on record its deep appreciation to the British IPU Group for the outstanding preparations it has already made to host a successful 110th Assembly in London. The Committee also wishes to thank the different parties who have been trying during the last few days to find a solution to this problem, albeit to no avail.

8. However, in view of the fact that the British Authorities are not able to fulfil the requisite conditions for hosting the Assembly and in view of the considerations outlined above, the Executive Committee can only conclude, to its deep regret, that the 110th Assembly cannot be held in London and will need to be transferred to another venue where all delegates can be assured of receiving visas for their participation. The Executive Committee welcomes the statement made by the leader of the British delegation to the Executive Committee in which he underlined the British IPU Group's continued commitment to the Inter-Parliamentary Union.

9. Finally, the Executive Committee has also instructed the Secretary General to take up this matter with European Union officials with a view to ensuring that any future sanctions regime makes exceptions for meetings organised by the Inter-Parliamentary Union.

Results of the roll-call vote on the request of the delegation of Australia to affirm the decision of the Governing Council to hold the 110th IPU Assembly in London in 2004

Results

Affirmative votes	87	Total of affirmative and negative votes..	219
Negative votes	132	Simple majority.....	110
Abstentions.....	27		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Algeria		1		Guatemala		2		Philippines	2		
Andorra	2		1	Guinea		3		Poland	3		
Angola		3		Hungary	2			Portugal	3		
Argentina		3		Iceland	2			Republic of Korea			3
Armenia	1		1	India		3		Republic of Moldova		<i>absent</i>	
Australia	3			Indonesia		3		Romania	2		
Austria	3			Iran (Islamic Republic of)		1		Russian Federation	1	2	
Bahrain		3		Ireland	2			Samoa	1		
Bangladesh			2	Israel			1	San Marino	3		
Belarus		1		Italy	2			Sao Tome and Principe			1
Belgium		1	1	Japan			2	Saudi Arabia		2	
Benin		<i>absent</i>		Jordan		3		Senegal		1	
Bolivia		2		Kazakhstan		<i>absent</i>		Serbia and Montenegro	3		
Bosnia and Herzegovina	1		1	Kenya		3		Singapore			2
Botswana			3	Kuwait		<i>absent</i>		Slovakia	3		
Brazil		3		Kyrgyzstan		<i>absent</i>		Slovenia	1		
Bulgaria	3			Lao People's Dem. Republic		2		South Africa	1	2	
Burkina Faso		3		Latvia		<i>absent</i>		Spain	2		
Burundi		3		Lebanon		1		Sri Lanka		<i>absent</i>	
Cameroon		3		Libyan Arab Jamahiriya		3		Sudan		3	
Canada	1	1	1	Liechtenstein	2			Suriname		<i>absent</i>	
Chile	1	2		Lithuania		<i>absent</i>		Sweden	3		
China		3		Luxembourg	2			Switzerland		<i>absent</i>	
Colombia		<i>absent</i>		Malaysia		1		Syrian Arab Rep.		3	
Congo		3		Mali		3		Thailand	1	1	1
Costa Rica			2	Malta	1			The FYR of Macedonia	2		
Côte d'Ivoire		3		Mexico			2	Togo		3	
Cuba		2		Monaco		3		Tunisia		2	
Cyprus	2	1		Mongolia	1			Turkey	2		
Czech Republic	2			Morocco		2		Uganda		3	
Denmark	2			Mozambique		<i>absent</i>		Ukraine		<i>absent</i>	
Ecuador		<i>absent</i>		Namibia		3		United Arab Emirates		2	
Egypt		2		Nepal		<i>absent</i>		United Kingdom	3		
El Salvador		<i>absent</i>		Netherlands	1			Uruguay		2	
Estonia	2			New Zealand	2			Venezuela	1	2	
Ethiopia		3		Nicaragua		1		Viet Nam			3
Fiji		1		Niger		<i>absent</i>		Yemen		2	
Finland	3			Nigeria		3		Zimbabwe		3	
France		3		Norway	3						
Gabon		3		Pakistan		2					
Germany	3			Peru		1					
Ghana		3									
Greece	1										

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

BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2004

*Approved by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

**Spending estimates by Division
(in CHF, Swiss Francs)**

DESCRIPTION	2002 ACTUAL	2003 APPROVED	2004 PROPOSED
Executive Office	874,953	849,900	911,800
Assembly Affairs and Relations with Member Parliaments	2,495,787	2,928,100	2,464,900
Promotion of Democracy	1,873,272	2,171,900	2,428,800
External Relations	1,166,828	1,213,100	1,508,000
Support Services	1,722,995	2,038,300	2,209,700
Transfers of Funds	351,405	266,300	292,330
TOTAL	8,485,240	9,467,600	9,815,530

Spending estimates by object of expenditure

EXPENDITURE ITEM	2002 ACTUAL	2003 APPROVED	2004 PROPOSED
Regular Staff Salaries	3,926,489	4,007,700	4,363,400
Benefits	1,643,637	1,854,500	2,043,100
Staff Overheads	102,144	75,800	95,800
Overtime payments	63,842	38,500	36,000
Temporary and Contract Employees	827,125	1,085,000	323,600
Interpreters	0	0	480,650
Translators	103,130	108,800	151,200
Other purchased services	3,179	53,300	196,200
Honorariums	26,698	30,000	30,000
Rent	184,816	82,700	64,500
Heating	28,736	25,000	25,000
Electricity	0	30,000	30,000
Water	0	2,000	2,000
Building Maintenance	23,242	24,700	25,800
Cleaning Services and supplies	0	61,000	12,000
Insurance	7,401	15,200	15,800
Equipment purchases	563	5,000	2,000
Equipment maintenance and repair	42,887	500	500
Equipment rental/leasing	138,053	149,500	137,700
Equipment insurance	3,679	6,000	4,000
Office vehicles	2,353	2,000	3,000
Stationery	35,668	63,000	53,500
Miscellaneous office supplies	53,736	32,700	45,300
Sundry expenses	181,026	35,000	34,400
Telephone/Telefax	71,380	67,700	60,900
Postage	89,463	138,500	127,000
Courier services	9,993	17,000	14,500
Freight	25,236	45,000	30,250
Internet Connection	28,373	51,500	50,600
Computer software/supplies/service	-10,944	35,500	30,000
Computer hardware	1,008	40,000	41,000
Duty travel - transportation	342,320	441,900	327,800
Duty travel - allowances	75,361	144,000	136,500
Duty travel - incidentals	919	13,000	12,800
Official hospitality	33,268	60,800	53,000
Information Activities	12,853	17,500	23,400
Publishing	62,121	108,000	123,000
IPU Web site	0	0	16,500
On-line databases	44,815	213,000	50,500
Books	3,872	5,000	5,000
Periodicals	10,024	10,000	10,000
Amortisation - Buildings	0	262,000	322,000
Bank charges	3,307	3,000	3,000
Audit costs	4,887	5,000	5,000
ASGP	40,658	100,000	100,000
Transfers to reserves	310,747	166,300	192,330
TOTAL EXPENSES	8,558,065	9,732,600	9,910,530
RECOVERIES	-72,825	-265,000	-95,000
NET COST	8,485,240	9,467,600	9,815,530

**TABLE OF CONTRIBUTIONS TO THE BUDGET OF THE
INTER-PARLIAMENTARY UNION FOR THE YEAR 2004**

*Approved by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

Members and Associate Members	Points	Amount of the contribution for 2004 (Swiss Francs)
Albania	0.20	22,030
Algeria	0.33	36,350
Andorra	0.20	22,030
Angola	0.20	22,030
Argentina	0.69	76,010
Armenia	0.26	28,640
Australia	1.50	165,240
Austria	0.84	92,540
Azerbaijan	0.35	38,560
Bahrain	0.22	24,240
Bangladesh	0.20	22,030
Belarus	0.48	52,880
Belgium	1.11	122,280
Benin	0.20	22,030
Bolivia	0.20	22,030
Bosnia and Herzegovina	0.23	25,340
Botswana	0.20	22,030
Brazil	1.57	172,960
Bulgaria	0.30	33,050
Burkina Faso	0.20	22,030
Burundi	0.20	22,030
Cambodia	0.20	22,030
Cameroon	0.20	22,030
Canada	2.89	318,370
Cape Verde	0.20	22,030
Chile	0.26	28,640
China	0.86	94,740
Colombia	0.30	33,050
Congo	0.20	22,030
Costa Rica	0.20	22,030
Côte d'Ivoire	0.20	22,030
Croatia	0.29	31,950
Cuba	0.27	29,740
Cyprus	0.21	23,130
Czech Republic	0.50	55,080
Democratic PR of Korea	0.23	25,340
Denmark	0.75	82,620
Djibouti	0.20	22,030
Ecuador	0.22	24,240
Egypt	0.25	27,540
El Salvador	0.20	22,030
Estonia	0.25	27,540
Ethiopia	0.20	22,030
Fiji	0.20	22,030
Finland	0.69	76,010

Members and Associate Members	Points	Amount of the contribution for 2004 (Swiss Francs)
France	5.39	593,780
Gabon	0.20	22,030
Germany	7.93	873,590
Ghana	0.20	22,030
Greece	0.49	53,980
Guatemala	0.21	23,130
Guinea	0.20	22,030
Hungary	0.35	38,560
Iceland	0.22	24,240
India	0.50	55,080
Indonesia	0.33	36,350
Iran (Islamic Republic of)	0.86	94,740
Ireland	0.35	38,560
Israel	0.39	42,960
Italy	3.91	430,740
Japan	10.55	1,162,210
Jordan	0.20	22,030
Kazakhstan	0.45	49,570
Kenya	0.20	22,030
Kuwait	0.41	45,170
Kyrgyzstan	0.22	24,240
Lao People's Democratic Republic	0.20	22,030
Latvia	0.28	30,850
Lebanon	0.20	22,030
Libyan Arab Jamahiriya	0.40	44,070
Liechtenstein	0.20	22,030
Lithuania	0.30	33,050
Luxembourg	0.24	26,440
Malaysia	0.30	33,050
Mali	0.20	22,030
Malta	0.20	22,030
Mauritania	0.20	22,030
Mauritius	0.20	22,030
Mexico	0.95	104,660
Monaco	0.20	22,030
Mongolia	0.20	22,030
Morocco	0.22	24,240
Mozambique	0.20	22,030
Namibia	0.20	22,030
Nepal	0.20	22,030
Netherlands	1.49	164,140
New Zealand	0.40	44,070
Nicaragua	0.20	22,030
Niger	0.20	22,030
Nigeria	0.30	33,050
Norway	0.67	73,810
Pakistan	0.24	26,440
Panama	0.20	22,030
Papua New Guinea	0.20	22,030
Peru	0.24	26,440

Members and Associate Members	Points	Amount of the contribution for 2004 (Swiss Francs)
Philippines	0.25	27,540
Poland	0.60	66,100
Portugal	0.36	39,660
Republic of Korea	0.79	87,030
Republic of Moldova	0.30	33,050
Romania	0.34	37,450
Russian Federation	5.50	605,900
Rwanda	0.20	22,030
Samoa	0.20	22,030
San Marino	0.20	22,030
Sao Tome & Principe	0.20	22,030
Saudi Arabia	1.02	112,490
Senegal	0.20	22,030
Serbia and Montenegro	0.33	36,350
Singapore	0.30	33,050
Slovakia	0.28	30,850
Slovenia	0.27	29,740
South Africa	0.54	59,490
Spain	1.91	210,410
Sri Lanka	0.20	22,030
Sudan	0.20	22,030
Suriname	0.20	22,030
Sweden	1.15	126,690
Switzerland	1.20	132,200
Syrian Arab Republic	0.23	25,340
Tajikistan	0.21	23,130
Thailand	0.29	31,950
The FYR of Macedonia	0.20	22,030
Togo	0.20	22,030
Tunisia	0.22	24,240
Turkey	0.43	47,370
Uganda	0.20	22,030
Ukraine	0.60	66,100
United Arab Emirates	0.37	40,760
United Kingdom	4.54	500,140
United Republic of Tanzania	0.20	22,030
Uruguay	0.23	25,340
Uzbekistan	0.37	40,760
Venezuela	0.62	68,300
Viet Nam	0.20	22,030
Yemen	0.20	22,030
Zambia	0.20	22,030
Zimbabwe	0.20	22,030
Andean Parliament	0.02	2,200
Central American Parliament	0.01	1,100
European Parliament	0.10	11,010
Latin American Parliament	0.02	2,200
Parliamentary Assembly of the Council of Europe	0.06	6,620
TOTAL	89.10	9,815,530

COOPERATION WITH THE UNITED NATIONS

AN OVERVIEW OF RECENT ACTIVITIES

*Noted by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

1. This report contains information on the work undertaken by the IPU on a range of activities with various organisations of the United Nations system.

UNESCO

2. At its session held in Santiago de Chile in April 2003, the IPU Governing Council approved the establishment of an IPU Network of Parliamentary Focal Points for questions relating to UNESCO.

3. The main objective of the proposed network will be to encourage parliaments to discuss the UNESCO Medium-Term Strategy and to incorporate some of its components in their normal programme of work. This would involve a two-way relationship. UNESCO hopes to receive support from national parliaments for its programmes and actions and can also expect to have its activities scrutinised in Parliament. In return, UNESCO can provide international expertise in certain areas in which parliamentarians are called upon to legislate or ratify conventions. Ultimately, the network will consist of parliamentary focal points for UNESCO in each of the 145 Member Parliaments of the IPU. A joint IPU-UNESCO coordination group will be set up to liaise between the Focal Points in IPU Member Parliaments. A formal event to mark the establishment of the Network will be held on Monday, 6 October 2003 on the occasion of the forthcoming UNESCO General Conference in Paris.

4. Moreover, at a meeting held in Canada under a private initiative launched by a Canadian MP, the purpose of which was to establish relations between UNESCO, parliaments and parliamentary organisations, a final document was adopted which, inter alia, invited the UNESCO Director-General to support the promotion of dialogue and the cooperation of parliamentarians, in particular through the IPU's Network of Focal Points.

UNICEF

5. Activities with UNICEF have continued unabated. Consultations are currently under way for the preparation of a joint handbook on child protection.

6. A discussion panel on Trafficking in Children was held during the 108th Conference in Santiago. UNICEF, the International Labour Organization and the International Organization for Migration participated in the event. Follow-up to this panel on is being pursued.

7. Meanwhile, discussions are also under way on the subject of a joint IPU-UNICEF programme of cooperation. The planned programme will be presented to the Executive Committee at its forthcoming Geneva session.

UNDAW

8. The IPU/UN Handbook for Parliamentarians on the CEDAW and its Optional Protocol was launched in Santiago de Chile, and subsequently presented to the United Nations on the occasion of the 29th Session of the UN CEDAW Committee at the UN headquarters on 14 July 2003. A panel discussion was held, and

the Handbook was well received by the 90 participants in attendance and the CEDAW Committee in general. As a follow up, the IPU and UNDAW are organizing a one-day session for parliamentarians from those countries whose reports on the implementation of the Convention will be considered by the Committee at its forthcoming sessions. The session will seek to strengthen parliamentary involvement in the reporting mechanism and follow up to the ensuing Committee recommendations.

WHO

9. Since the Santiago Conference, the IPU has completed its application for observer status to the World Health Assembly, thereby terminating its classification with WHO as a non-governmental organisation. Discussions are under way for collaboration with this organisation in the area of mental health, and the Secretary General will be attending a meeting on this subject in the near future to discuss how parliamentarians participate in the Global Council for Mental Health.

ITU

10. In advance of one of the World Summit on the Information Society (WSIS) to be held this December, for which the lead UN agency is the International Telecommunications Union (ITU), the IPU has submitted to the Summit secretariat a number of comments and proposals concerning the draft WSIS Declaration of Principles and Action Plan, which are currently being negotiated by government representatives. The thrust of the IPU proposals was to emphasise the impact of information technologies on the functioning of democracy and its institutions.

11. One of the co-rapporteurs for the 109th IPU Assembly agenda item dealing with new information and communication technologies, Mr. Patrice Martin-Lalande (France), represented the Union at the inter-sessional WSIS consultation in July in Paris. The IPU used this occasion to publicise its intention to hold a parliamentary meeting in Geneva on the occasion of the World Summit on the Information Society. Practical preparation of this parliamentary meeting is currently under way in consultation with the WSIS Secretariat and the Swiss Parliament.

UNDP

12. Cooperation between the IPU and UNDP goes back more than 30 years. Currently, the two organisations are implementing a \$1.5 million agreement under which the IPU undertakes activities to strengthen parliamentary capacity, ensure greater gender partnership in parliamentary processes and improve parliamentary involvement in development activities. UNDP provides more than 60% of the overall funding for the IPU's parliamentary strengthening activities. Under its Programme for the Study and Promotion of Representative Institutions, the Union is currently implementing or supervising the implementation of projects with UNDP funding in the parliaments of a number of countries and territories: Albania, Equatorial Guinea, Gabon, Kosovo, Rwanda, Timor Leste, Uruguay.

13. The IPU is working with the United Nations Development Fund for Women (UNIFEM) in the context of strengthening parliamentary capacity for gender partnership in political processes. Such cooperation has proved fruitful in Djibouti and Rwanda where joint support has been provided to the parliamentary women's caucuses.

14. The IPU and UNDP have jointly issued a report of a survey on technical assistance to African Parliaments in the 1990s.

15. The IPU intends to continue to work with UNDP in post-conflict institution building. Immediate future opportunities for such endeavours include Afghanistan and Iraq. Discussions are under way with a view to expanding cooperation with UNDP to include other fields of mutual interest, such as securing parliamentary support for activities within UNDP's mandate.

16. A Handbook for Parliamentarians, aimed at facilitating parliamentary input to the development of gender-sensitive budgets, is being developed by the IPU in cooperation with UNDP, the World Bank and UNIFEM.

UNCCD

17. The IPU is sponsoring the Fifth Round Table of Parliamentarians on Desertification, organised by the Secretariat of the United Nations Convention to Combat Desertification (UNCCD) during the sixth session of the Conference of the Parties to the Convention (Havana, 25 August to 6 September 2003). The IPU has sponsored four previous round tables (Dakar, 1998; Recife, 1999; Bonn, 2000; and Geneva, 2001). At the Fifth Round Table, parliamentarians adopted a declaration on *The role of members of parliament in promoting sustainable development at national level within the framework of the implementation of the UNCCD*.

UNCTAD

18. In the field of trade and development, the IPU continues consultations with the UNCTAD Secretariat on the subject of holding a parliamentary meeting on the occasion of UNCTAD XI (Sao Paulo, June 2004).

OHCHR

19. In the field of human rights, the IPU submitted written contributions to items on the agenda of the 59th session of the UN Commission on Human Rights. These concerned item 8 (Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine), item 10 (Economic, Social and Cultural Rights) and item 11 (Civil and Political Rights).

20. The IPU Officer in charge of Questions relating to Human Rights participated in a discussion on reform of the United Nations treaty body system organised by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Liechtenstein and held in Malbun (Liechtenstein) from 5 to 7 May. Participants adopted a report which stressed inter alia the need to further acquaint parliamentarians with the human rights treaty body system.

21. In May, the IPU invited parliaments to become active players in the work of the UN Committee on Human Rights, which monitors the implementation of the International Covenant on Civil and Political Rights. The initiative followed the Council's repeated calls to raise parliaments' profile in the work of the UN human rights treaty bodies, in keeping with the IPU-OHCHR Memorandum of Understanding. The Secretary General therefore informed the parliaments of countries whose reports had been examined in March/April of the Committee's final observations, and those whose reports were due to be examined in July/August of its forthcoming questions. He invited the parliaments to take appropriate action.

22. Steady progress is being made in revising the draft of the Handbook on Parliaments and Human Rights, a project in which the IPU is cooperating with the OHCHR. Both organisations hope to have a final text ready by the end of the year.

COOPERATION WITH THE UNITED NATIONS

REPORT BY THE SECRETARY GENERAL ON THE IMPLEMENTATION OF OBSERVER STATUS AT THE UN GENERAL ASSEMBLY

*Noted by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

Executive Summary

By granting observer status to the IPU, the UN General Assembly improved the possibilities for the Union to have access to and participate in United Nations meetings. By the same token, the IPU is now better placed both to influence decisions taken at the United Nations and promote parliamentary action at home in support of those decisions.

The different size of the two organisations, however, makes choice inevitable. The IPU, with its modest budget and Secretariat, cannot possibly hope to work with equal emphasis on all issues of the wide agenda currently before the United Nations.

The present note has been drawn up to assist Members in defining those areas that should be given priority. It suggests that these areas need then to be integrated into the new IPU structures and working methods and that the new Standing Committees must play an important role in this respect. It also suggests that the IPU Permanent Observer Office in New York (and the Secretariat in Geneva) have specific roles to play in lobbying Member States and otherwise organising IPU's input to the inter-governmental negotiating process.

Background

1. The IPU has long insisted on the need to establish a two-way relationship with the United Nations in which the IPU could influence the substance and outcome of the work of the UN and assist in ensuring its implementation at home.
2. The first of these objectives involves channeling the outcome of parliamentary debates at the IPU into the United Nations and preparing the related analyses and reports on parliamentary activities; the latter can be achieved by IPU fomenting parliamentary awareness and action in support of international agreements reached at the United Nations, promoting activities by parliaments to mobilise public opinion to support international action, and providing technical back-up to parliaments to improve their capacity to legislate and oversee the executive.
3. The IPU has also been keen to offer operational support to the United Nations. In UN peace-building and peace-keeping operations in particular, the IPU can channel national parliaments' support for building and consolidating democratic institutions through its technical assistance programme.
4. The opportunities for cooperation are manifold and it is essential that careful selection is exercised. There is an obvious danger that the Union could dissipate its limited resources if it were to attempt to cover too broad an area of activities. When discussing this matter earlier this year, the Executive Committee expressed the view that the IPU should give priority to its cooperation with the United Nations in the field of democracy in areas where the Union has accumulated specific expertise. What does this mean in real terms?

Democracy

5. The IPU undertakes four types of activities in the field of democracy. It oversees projects to strengthen parliaments, studies parliamentary systems and provides advice on them, promotes human rights, and advocates gender partnership. In each of these areas the IPU can support the United Nations in a multitude of ways.

6. With regard to strengthening parliaments, the IPU should expand its technical cooperation programme and focus its activities on countries undergoing peace and reconciliation processes. Currently, the IPU is active in several such countries (e.g. Burundi, Cambodia, East Timor, Rwanda), and should extend its action to other countries (e.g. Afghanistan, Colombia, Iraq, Sri Lanka). The overall objective is to consolidate democratic processes, and improve participation and governance as fundamental building blocks for development.

7. With respect to its advisory programme, the IPU receives a great many requests for expertise and needs to broaden its research agenda. In addition to keeping abreast of important developments in parliamentary procedures and working methods, the IPU can make a particularly valuable contribution to the implementation of the IPU and UN Millennium Declarations by examining how parliaments have shaped their structures and working methods to provide a parliamentary dimension to international cooperation. A second Conference of Presiding Officers will be held in 2005 to take stock of progress in the area and assess the contribution of parliaments to the fulfilment of the Millennium Development Goals.

8. The human rights programme is already responding to requests from the United Nations for increased cooperation. Aside from the important work of the Committee on the Human Rights of Parliamentarians, this includes developing cooperation between the United Nations and parliaments through parliamentary human rights bodies, organising meetings between those bodies and the United Nations and the UN human rights treaty making bodies, and issuing parliamentary handbooks and other tools for more effective parliamentary action in support of human rights.

9. Equally, the gender partnership programme is facing increasing demands for cooperation from the United Nations. Plans are underway to launch a new study on women and politics, to up-grade the IPU data collection on women in politics (this is an area where the IPU is the principal service provider to the UN), and to prepare IPU contributions to the Beijing Plus 10 evaluation that will take place in 2005.

Peace and security

10. The IPU's primary mission is to promote peace and security. Members pursue this activity through parliamentary diplomacy during IPU meetings and through bi-lateral visits. IPU support for the building of democratic institutions, human rights protection and gender partnership is also designed to promote peace and security. However, the organisation can do more to support the work of the United Nations, as evidenced by the decision taken in Santiago de Chile to include on the agenda of the Standing Committee on Peace and Security an item entitled *The role of parliaments in assisting multilateral organisations in ensuring peace and security and in building an international coalition for peace*.

11. Pending the outcome of the discussions that will take place on this topic at the 109th Assembly in Geneva, the IPU is already working on two specific sub-topics directly relevant to peace and security. One relates to the fight against terrorism; in this regard the IPU is developing a set of activities designed to support implementation of Security Council resolution 1373. The second relates to peace and reconciliation processes. Given the experience gained by the IPU in several conflict situations, this subject could be placed on the agenda of the 110th Assembly, thus enabling the foundations to be laid for more sustained IPU action in this field.

Sustainable development, finance and trade

12. The IPU cannot claim to have any substantive expertise in this area. However, it plays - and can continue to play - an important role in mobilising parliamentary action in this field.

13. With regard to sustainable development, the United Nations has concluded a first ten-year cycle after the Earth Summit in Rio de Janeiro. It is now planning new systems and methods for ensuring action to promote the protection of the environment. Parliaments are largely absent from that debate and the IPU will need to address this issue. The IPU Sustainable Development Committee has been replaced by the Bureau of the Standing Committee dealing with sustainable development issues. What role can this Bureau play in planning for an appropriate IPU contribution in this field?

14. As regards finance, the IPU is active in scrutinising financing for development and last year issued recommendations for parliamentary action. It is now involved in a follow-up exercise in which parliaments are invited to report on action they have taken to implement those recommendations. The IPU President will report on this follow-up action to the High Level segment of the UN General Assembly on Financing for Development which will take place in late October 2003.

15. IPU's future activities in relation to finance issues will depend to a large extent on its relationship with the World Bank and the IMF. With regard to the former, there has been no relationship to speak of since the creation by the Bank's Paris Office of its own parliamentary network. The IMF, on the other hand, has shown interest in developing its relationship with the IPU.

16. Trade is one area where the IPU has clearly staked out its role. Through the work it has carried out during IPU conferences and several specialised meetings organised in cooperation with UNCTAD and WTO, it has established itself as an indispensable partner for providing a parliamentary dimension on trade matters. This action will be pursued during the forthcoming 5th Ministerial WTO Conference in Cancún and will need to be followed up next year during UNCTAD XI, and possibly also at a separate WTO meeting.

Cooperation with UN agencies and programmes

17. The United Nations System is made up of a multitude of programmes, specialised agencies and organisations. Some of them do not look to the IPU to develop a closer relationship with parliaments but instead create their own networks of MPs and lobby groups in parliaments. This is the case for the UN Population Fund (UNFPA). Most of the organisations, however, seek support from parliaments through the IPU, at the global level, and through regional parliamentary assemblies and organisations.

18. Within this latter category there are many variations. There are organisations like the FAO which looks towards the IPU every time there is a food summit. In between food summits, however, the IPU is generally not involved in FAO work. Cooperation with the ILO follows a similar pattern to that of the FAO. At the opposite end of the spectrum there is UNESCO and UNICEF. The former is seeking to develop a parliamentary interface through the IPU. The latter is looking to develop a comprehensive and focused programme of cooperation with the IPU which includes the organisation of panels during IPU conferences on specific issues affecting children, the production of a parliamentary handbook on child protection issues, identifying issues for debate in IPU Standing Committees and encouraging parliaments to implement the results of the 2002 Children Summit.

19. UNICEF stands out as a fine example of what can be achieved through a planned and focused process of cooperation. The success of that cooperation, and of cooperation with other UN programmes, agencies and organisations, largely depends on the extent to which it can be integrated into the IPU's annual programme of work.

Integrating cooperation with the UN in the IPU work programme

20. The IPU undertakes a wide variety of activities in the course of any given year. It holds two Assembly meetings with three Standing Committees each debating one subject. A host of parallel activities take place, ranging from panels to working groups and specialised committees.
21. In between the Assemblies, the IPU organises specialised conferences, seminars and other events at the global, regional and sub-regional level. It implements many projects and activities in the three programmes that jointly make up IPU's democracy programme. These include undertaking surveys and studies, preparing reports, handbooks and other publications, issuing public information packages, and running training seminars.
22. The challenge for the IPU is how best to integrate its cooperation with the UN in this work programme. The IPU Observer Office at the UN will play a crucial role in this regard by keeping the organisation informed of the UN work programme and providing advice on priority areas for IPU input. Guidelines will need to be established to determine which UN meetings are to be attended as a matter of principle, and which optionally.
23. Ideally, IPU should be able to plan its future work in such a way that the subjects for the Standing Committees are chosen with the UN agenda in mind. It is likely that the Bureaux of the new Standing committees will act as a clearing house for contributions to the United Nations within their respective mandates.
24. The output of that work will then need to be fed back into the UN system. Here again the Office in New York (and the Secretariat in Geneva) can play an important role in lobbying Member States, explaining IPU positions, trying to make sure that these are reflected in UN resolutions, etc.
25. Finally, the annual work programme and budget should be prepared with a view to providing an effective and efficient contribution to the work of the United Nations. This must entail an overhaul of the annual UN/IPU meeting for members of parliament attending the UN General Assembly as well as provisions for the many meetings organised by IPU in the margin of UN conferences.

FIFTH ROUND TABLE OF MEMBERS OF PARLIAMENT IN PARALLEL WITH THE SIXTH SESSION OF THE CONFERENCE OF THE PARTIES TO THE UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION

(Havana, 3 and 4 September 2003)

The role of members of parliament in promoting sustainable human development
at national level in the context of a successful implementation of the
United Nations Convention to Combat Desertification

Declaration adopted on 4 September 2003

***Noted by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

1. *We, members of parliament*, meeting in Havana on 3 and 4 September 2003 for the fifth Round Table at the invitation of the Convention secretariat, with the full support of the Inter-Parliamentary Union and the assistance of the Government of Cuba, alongside the sixth session of the Conference of the Parties to the United Nations Convention to Combat Desertification (UNCCD) in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa,

Reaffirming our commitment to sustainable human development as a universal concept which incorporates the interdependent and mutually reinforcing pillars of sustainable development – economic development, social development and environmental protection – at local, national, regional and global levels while remaining committed to the indivisibility of human dignity for all and to democratic systems as well as to democratic global governance with more effective and accountable international and multilateral institutions,

Deeply concerned by the persistent trends of environmental degradation and increase in poverty, particularly in the fragile ecosystems and drylands of developing countries,

Aware of the degradation of land, the loss of forests, topsoil and biodiversity due to the intensification of desertification, and the effects of climatic variations and their direct consequences for global equilibrium, particularly in so far as they relate to food production and availability, to the disruption of traditional migration flows and to human security,

Conscious of the global threat which lies in the continuing degradation of the land that sustains us,

Mindful of the direct causal links between land degradation and poverty, which generate vicious circles of land over-exploitation by increasingly deprived communities,

Bearing in mind the increasing deprivation suffered by poor people in terms of social, educational, economic, environmental and cultural services and opportunities,

Bearing in mind that desertification and drought have a special and negative impact on living conditions, including food security, health and water quality,

Recalling the United Nations Millennium Development Goals,³ the outcomes of major United Nations conferences and summits, and in particular the World Summit on Sustainable Development (WSSD)⁴ and the Monterrey Consensus on Financing for Development,⁵ which define a complete vision for the future of humanity and provide a comprehensive basis for action at the national, regional and international level, with the key objectives of poverty eradication, sustained economic growth, sustainable development and an improvement in the living conditions of people everywhere,

Underlining the relevance of water and access to water for combating desertification, and welcoming the outcome of the third World Water Forum,⁶ which recommended actions for sustainable water resource management vital for combating desertification,

Recognizing that poverty eradication, changes in consumption and production patterns, and the protection of natural resources are essential for sustainable development,

Conscious that the gap between the rich and the poor constitutes a threat to global security,

Declare that

1. We are deeply alarmed by increasing environmental degradation, particularly desertification, which has now reached such a magnitude that it threatens the very basis of life on earth, and are determined to correct this dangerous course; it is therefore more than ever incumbent on us, parliamentarians and representatives of our peoples, to work together towards the common objective of sustainability –social, economic, environmental and political;

³ Adopted at the United Nations Millennium Summit held from 6 to 8 September 2000 in New York.

⁴ Adopted at the World Summit on Sustainable Development in Johannesburg, South Africa, from 26 August to 4 September 2002.

⁵ International Conference on Financing for Development, Monterrey, Mexico, from 18 to 22 March 2002.

⁶ Kyoto, Japan, from 17 to 22 March 2003.

2. We are greatly concerned by the continuous losses in agricultural productivity; agriculture still constitutes the main source of revenue for the economies of the majority of developing countries;
3. We are, further, seriously worried by substantiated data indicating that desertification processes severely undermine sustainable economic growth, limit food security and exacerbate susceptibility to famine, at times accompanied by large-scale movements of displaced people and by armed conflicts;
4. We are conscious of the fact that the established trends of natural renewable and non-renewable resource exploitation and the current patterns of consumption have by far exceeded the earth's carrying capacities;
5. We are convinced that addressing poverty eradication, particularly widespread environment-induced poverty (generated, *inter alia*, by the increasing lack of water) and its tragic consequences in terms of macro-social disruptions, must be conceived as a total priority of integrated international policy schemes towards the promotion of sustainable human development;
6. We are persuaded of the necessity to recognize that the land feeding us, and particularly what is known as its topsoil layer, are a precious resource requiring imperative, urgent, concerted and worldwide protection;
7. We firmly believe that public policies should be clearly oriented towards eliminating the root causes of poverty through participative and democratic processes leading to the real and efficient empowerment of communities, especially women and youth, at the front line of the sustainable development struggle;
8. We underline our conviction that growth cannot constitute an objective per se nor a justification for environmental degradation and should therefore be accompanied by social policies which ensure an equitable redistribution of wealth amongst all, which address the issue of land tenure and which guarantee access to education in order to empower poor people and allow them to realize their potential, and in order to reduce their vulnerability to exodus pressures;
9. We reaffirm all the measures to combat desertification promoted by the previous round tables of parliamentarians, including sustainable land use and erosion control, rehabilitation of degraded land, effective reforestation programmes and sustainable forest, water and land management, use of renewable sources of energy, capacity building and environmental education programmes;
10. We acknowledge the encouraging signs of progress contained in the 151 national reports which were submitted to the UNCCD for review in Rome, Italy, from 11 to 22 November 2002; however, we deplore the fact that too often national poverty eradication programmes supported by the donor community do not take desertification issues sufficiently into account;
11. We recognize that prevailing macro-economic policies may have a great impact on the process of impoverishment, and we therefore call upon developed countries, in conformity with the letter and spirit of the Convention, to take appropriate action to relieve the current burden of developing countries, particularly through the promotion of economic reforms aimed at combining growth with human development, equity and social justice by, *inter alia*:
 - Relieving external debt
 - Reducing interest rates
 - Removing barriers to freer and fairer trade
 - Facilitating access to essential drugs to combat pandemics.

II. *In affirming our commitment*, as members of parliament, to support sustainable human development, we note with appreciation the outcomes of the World Summit on Sustainable Development (WSSD), which aim to strengthen the implementation of the Convention in those countries experiencing serious drought and/or desertification, particularly in Africa, to address the causes of desertification and land degradation in order to maintain and restore land, and to address poverty resulting from land degradation. We call upon all parties involved to make every effort to ensure that the WSSD declarations of intent are followed up with definite actions.

In this regard:

12. We fully support the call of the WSSD to the second Assembly of the Global Environment Facility (GEF) to designate land degradation (deforestation and desertification) as a focal area of the GEF as a means of GEF support for the successful implementation of the Convention and, consequently, to consider making the GEF a financial mechanism of the Convention. We therefore welcome the decision of the GEF Assembly, in Beijing, China, in 2002 to endorse this request by making land degradation (deforestation) a fully-fledged GEF focal area along with biodiversity, climate change, the protection of the ozone layer and international waters, as approved by the GEF Council in May 2003.
13. We strongly support the decision by the VI Conference of the Parties to the UNCCD at its sixth session held in Havana, Cuba, in 2003 to designate the GEF as an operational financial mechanism of the UNCCD, in order to provide it with substantial and predictable financial resources that will enable it to achieve its objectives in a timely and efficient manner.
14. We address an urgent appeal to all civil-society participants to support the mobilization of financial resources for the fight against desertification.
15. We also agree with the decision of the WSSD to support the New Partnership for Africa's Development (NEPAD) in order to promote regional cooperation and sustainable development, and we support the creation of the Pan-African Parliament of the African Union which, *inter alia*, could serve as the African Development Bank's parliamentary oversight mechanism.
16. We propose the establishment of a parliamentary oversight mechanism for the Global Environment Facility.
17. We firmly believe that all major environmental issues are intrinsically linked and require a concerted international effort if they are to be addressed synergistically. Emphasis should be placed on building up a culture of synergism in the implementation of the Rio conventions, in particular at national level.
18. We fully support all initiatives which aim at encouraging sustainable development promotion in order to ensure the best use of financial and human resources and the effective use of available expertise and comparative advantages, including traditional knowledge, in both developed and developing countries in the public and private sectors.
19. We reaffirm the vital role of local participation in sustainable development.
20. We reiterate our support to multilateral, governmental, non-governmental and volunteer action at all levels for promoting forestation, reforestation, rural agricultural development and sustainable alternative livelihood development in the context of UNCCD implementation.
21. We request all presiding officers to take steps to publicize the present declaration by placing it on the agenda of their national parliaments or by bringing it to the attention of all members of their parliaments in some other appropriate way.

III. We endorse a *parliamentary action plan*, taking into account the Parliamentary Declaration on the occasion of the WSSD, which was adopted unanimously at the Parliamentary Meeting organized jointly by the Inter-Parliamentary Union and the Parliament of South Africa (Johannesburg, 29 and 30 August 2002). We recognize the unique role of parliamentarians in scrutinizing, monitoring and holding national governments to account in respect of the implementation of international agreements and we shall work to put in place:

- (a) New regulatory and administrative foundations to make the integrated approach to sustainable development permeate every act of government;
- (b) National strategies for sustainable development that include a measure of decentralization of public and private institutions for appropriate local decisions in order to provide a coherent policy framework and measurable targets;
- (c) Requirements for thorough environmental and social impact assessments;
- (d) Systems providing timely access to information relevant to people, decision-makers and others;
- (e) Regulations to implement new and rigorous methods of green accounting in both the public and private sectors;
- (f) Democratic institutions and processes which are accountable, which allow for consultation with, and input from civil society, which abide by the rule of law and which respect fundamental human rights and human dignity.

We *acknowledge* that parliaments can contribute decisively to good governance grounded on democratic institutions responsive to the needs of the people, on anti-corruption measures, gender equality and a favourable atmosphere and environment for investment.⁷

22. We propose the creation - under the auspices of the Inter-Parliamentary Union - of a Parliamentary Network on the UNCCD (PNoUNCCD), a network of information, interaction and influence aimed at increasing parliamentary involvement and efficiency in the fields of combating desertification, soil erosion and land degradation, at pooling information and at ensuring greater parliamentary input into international negotiations and organizations, to be facilitated by a parliamentary steering committee with the technical support of the UNCCD secretariat.
23. We request the active involvement of elected representatives at regional, subregional, national and local level and the strengthening of the capacity of parliaments and their members to influence and monitor their governments' actions. We undertake to promote in our respective parliaments, as appropriate:
 - (a) The strengthening of national legislation and its harmonization with the provisions of the UNCCD, and the streamlining of desertification issues in national action programmes (NAPs), Poverty Reduction Strategy Papers and country programmes supported by the donor community;
 - (b) The pursuit of coherent and better coordinated policies in the area of anti-poverty and sustainable human development strategies including anti-desertification, the enhancement of synergies between the Rio conventions and the building up of a culture of coordination of the NAPs with other national development priorities;

⁷ Cf. IPU resolution *Parliaments' Role in Strengthening Democratic Institutions and Human Development in a Fragmented World*, adopted unanimously by the 108th Conference (Santiago de Chile, 11 April 2003).

- (c) The creation of specific budget lines for combating land degradation and the observance of consistent budget strategies appropriately integrating foreign assistance into a country's own development plans;
 - (d) The monitoring of executive actions and control of whether desertification issues are included in overall government agendas (by means of oral and written questions to ministers, motions, committee hearings and so on);
 - (e) The submission of regular 'green accounting' reports on the state of combating poverty, on land and natural resource degradation and on the progress achieved (by a Parliamentary or Government Commissioner for Future Generations), thus providing citizens with the information needed to hold governments accountable and ensuring an effective process within parliaments for reviewing progress with regard to the economic, social, environmental and political aspects of sustainable development at the national level, but also in order to monitor the international agenda for sustainable development;
 - (f) The mobilization of public opinion and the raising of awareness on sustainable human development and desertification issues through campaigns, annual events (World Day to Combat Desertification and Drought on 17 June), special parliamentary debates, environmental education, the involvement of schools, academics and artists, and commemorative postage stamps;
 - (g) Partnership building between policy-makers, the academic community, the business sector, and non-governmental and community-based organizations;
 - (h) Forms of international, regional and subregional cooperation favourable to improving relations between the relevant intergovernmental and non-governmental organizations and actors, including - if necessary - parliamentary diplomatic activities;
 - (i) Further examination, in the light of the outcome of the Fourth World Trade Organization Ministerial Conference, held in Doha, Qatar, in November 2001, of the relationship between trade, environment and development, and actions undertaken in particular to reduce the current system of subsidizing agricultural production and exports as well as to dismantle the barriers to the import of food from developing countries, to the increase of official development assistance as promised in Monterrey, and to the realization of the WSSD Plan of Implementation.
24. We are determined to ensure the effective and timely implementation of the UNCCD at country and regional level through appropriate measures, including the submission of national action programmes by all the affected country Parties.

IV. *Finally, as members of parliament, we request the secretariat of the UNCCD, with the assistance of the Inter-Parliamentary Union:*

- 25. To organize the next round table of members of parliament in conjunction with the seventh session of the Conference of the Parties to the Convention;
 - 26. To take follow-up action on the decisions of the present round table and to develop strategies to achieve universal awareness of the declarations and progress reports of the parliamentary round table process in respect of UNCCD implementation.
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**PARLIAMENTARIANS' FORUM ORGANISED ON THE OCCASION OF THE
FIFTH INTERNATIONAL CONFERENCE OF NEW OR RESTORED DEMOCRACIES**

(Ulaan Baatar, Mongolia, 11 September 2003)

Declaration adopted on 11 September 2003

***Approved by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

We, Members of Parliament, meeting on the occasion of the Fifth International Conference of New or Restored Democracies, hereby adopt the following Declaration and urge Governments and Parliaments to be guided by it as they work together for the furtherance of democracy worldwide.

We reassert our commitment to the principles enshrined in the Universal Declaration on Democracy adopted by the Inter-Parliamentary Union and we urge parliaments and governments to continue to be inspired by these principles.

Democracy is a universally recognised ideal, based on values common to people everywhere regardless of cultural, political, social and economic differences. Democracy is equally a political system that enables people to choose freely an effective, honest, transparent and accountable government.

Democracy is based on two core principles: accountability and participation. Everyone has the right to access information on government activities, to petition government and to seek redress through impartial administrative and judicial mechanisms. Likewise, everyone has the right to participate in the management of public affairs. Thus, democracy requires representative institutions at all levels and, in particular a Parliament in which all components of society are represented.

Holding free and fair elections at regular intervals enabling the people's will to be expressed represents a key element in the exercise of democracy. They must be held on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition.

Human rights

Democracy is inseparable from human rights and is founded on the rule of law. It aims essentially to preserve and promote the dignity and fundamental human rights of the individual, to achieve social justice and foster economic and social development. Judicial institutions and independent, impartial, effective oversight mechanisms are guarantors of the rule of law.

We undertake to continue to work towards the defence and promotion of human rights. In this context, special attention shall be paid to the protection of the rights of minorities and the disadvantaged in a spirit of tolerance and mutual respect.

Partnership between men and women

Democracy cannot be achieved without a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences. Indeed, we consider gender justice and equity as an essential ingredient of democracy. We pledge therefore to continue to work towards greater participation of women in decision-making processes. To this effect, we undertake to promote the necessary structural and legislative measures and to ensure that these are actually implemented.

Freedom of expression and role of media

The free flow of ideas by word and by image is a key element of democracy. Democracy must therefore guarantee the freedom to hold opinions without interference as well as the right to seek, receive and impart information and ideas. We stress the important role of the media in this respect. We pledge to enact effective laws and regulations to maximise the freedom of information. We further encourage plurality in the ownership of the media as a means of promoting greater freedom of expression.

Transparency and accountability

Democracy thrives on effective, honest and transparent government, freely chosen and accountable for its management of public affairs. We reassert our determination to promote a sense of ethics and integrity in public life and to combat corruption. We undertake to strengthen internal mechanisms, including preventive, investigative and enforcement capacity and guaranteeing public access to information.

As representatives of the people, we should set the example and we hereby undertake to establish codes of conduct for parliamentarians and other public officials (or strengthen existing ones as the case may be) and to implement them in a manner that fosters integrity and public trust and confidence in public institutions.

We undertake to work towards more effective parliamentary oversight processes and structures, including strong committees, parliamentary hearings, and efficient auditing mechanisms. We shall continue to guarantee a role for the opposition and to institute parliamentary procedures and propitious conditions that enable them to participate fully in the decision-making process at all levels in parliament.

Democracy and sustainable development

For democracy to develop, it needs to be accompanied by sustainable economic and social development that eradicates illiteracy, hunger and abject poverty. We pledge to work towards systems of democratic governance that lay emphasis on the welfare of the people and the protection of their interests, on the basis of political freedom, popular participation, respect for human rights, justice and equality.

We stress the important role of the UN and urge it to take a leading role in supporting developing democracies with a view to achieving sustainable development. We urge the more developed democracies to continue to provide special assistance to the developing democracies so as to enable them to meet the challenges of national development.

We request international organisations such as the United Nations and the Inter-Parliamentary Union to undertake studies that establish the clear linkages between democracy and development and propose concrete measures for ensuring effective synergies between the two.

We stress the need for democracy to be implemented not only at the national and international levels but also at the grassroots level. We therefore call for greater decentralisation of the government decision-making processes, more effective systems of local governance as essential factors for development and the full enjoyment of the fruits of democracy.

Terrorism: a threat to democracy

We recognise that terrorism is a major threat to democracy. It undermines the functioning of democratic institutions and poses a threat to world peace and stability. We pledge our support for the continued effort to combat terrorism, notably in the framework of the United Nations. We stress that terrorism should not be linked to any particular race or religion and that the war on terrorism should not be used as a pretext to violate human rights and freedoms.

International cooperation and globalisation

Democracy needs to be applied not only at the national but also at international level. This means that the functioning of state institutions as well as that of international organisations should be based on the founding principles of democracy, that include transparency and accountability.

We stress the importance of parliaments' participation in the international decision-making process, including in the field of trade, to ensure that decisions thus taken are commensurate with the interests and aspirations of the people. Parliaments have a pivotal role in monitoring and overseeing international agreements negotiated by governments, through participation in representative parliamentary assemblies.

Role of parliaments

Parliament plays a primordial role in the promotion of democracy. It must be representative of the will of the people and therefore reflect the diversity of all components of society. It must have constitutionally guaranteed powers to legislate and oversee government action.

We stress the importance of guaranteeing the independence of parliament and ensuring that its members enjoy freedom of expression. We consider it crucial that parliaments be a forum for the expression of the plurality of opinions that reflect the divergent interests of society. Respect for parliamentary immunities and ensuring the security of the parliamentary mandate are essential.

Parliament must also have access to adequate material, human and financial resources. It is important for parliamentarians and parliamentary staff to have adequate capacity to perform their functions effectively. We encourage donors to continue to provide capacity-building assistance to parliaments in developing countries and emerging democracies to enable them to establish effective parliamentary processes and structures.

It is important that, in the interest of the people, the Government and Parliament work in a spirit of healthy co-operation, while respecting each other's prerogatives, powers and independence. We encourage governments to continue to co-operate with parliaments in this spirit, including through enhancing parliament's access to information necessary for parliamentarians to perform their functions effectively.

Civil society

Civil society plays a major role in the promotion of democracy by articulating diverse socio-cultural, political and economic issues. Non-governmental organisations, academic institutions, professional groups, trade unions and other society-based groups are an important source of policy ideas and information on government performance at grassroots level and can help promote public awareness essential for transparency.

As intermediaries between the State and the citizen, we undertake to continue to work with civil society and to forge stronger partnerships with civil society in strengthening the institutions of democracy, notably through promoting human rights, supporting peaceful settlement of conflicts, promoting more transparent and accountable governance at both national and international levels.

Role of the Inter-Parliamentary Union (IPU)

We recognise the important role played by the Inter-Parliamentary Union, the world organisation of parliaments, in promoting democracy worldwide. We pledge our continued support to this Organisation and encourage it to pursue its efforts in this field, including through strengthening the capacity of parliaments, promoting respect for human rights, encouraging gender partnership in public life and promoting more transparent and accountable governance at the international level.

Follow-up

We request that this Declaration be brought to the attention of the participants at the Fifth International Conference of New or Restored Democracies and that it be published as part of the official records of the Conference. We will bring this Declaration to the attention of our respective Parliaments and Governments and promote measures to give concrete expression to its provisions.

We request that parliaments, notably through their world organisation, the Inter-Parliamentary Union, be involved in and participate actively in the mechanisms established for the follow-up of the International Conferences of New or Restored Democracies. In this context, parliaments and the Inter-Parliamentary Union should participate in the identification and formulation of democracy indicators. We consider this participation consistent with the need for parliaments to be active partners in promoting democracy and international democratic governance as reiterated in the resolution adopted by the 108th Conference of the Inter-Parliamentary Union.

We urge that the Parliamentarians' Forum become a permanent feature of the International Conference of New or Restored Democracies. We entrust the Parliament of Mongolia and the Inter-Parliamentary Union with the responsibility of identifying effective ways of ensuring the achievement of this objective. We request the Chairman of the State Great Hural of Mongolia to report to the next Parliamentarians' Forum on progress in the implementation of this Declaration.

Thanks

We thank the Parliament of Mongolia and the Inter-Parliamentary Union for organising this Forum and thus providing us with the opportunity to contribute to the global drive for greater democracy.

CANCÚN SESSION OF THE PARLIAMENTARY CONFERENCE ON THE WTO

*Organised jointly by the Inter-Parliamentary Union and the European Parliament
with the support of the Mexican Parliament
(Cancún, Mexico, 9 and 12 September 2003)*

Declaration adopted on 12 September 2003

***Noted by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

1. We, parliamentarians, assembled in Cancún during the 5th WTO Ministerial Conference to discuss matters relating to multilateral trade, are convinced of the need for a parliamentary dimension of the WTO. We have already decided to hold regular parliamentary meetings, initially once a year and on the occasion of WTO Ministerial Conferences.
2. We took the decision to hold such meetings because we believe that the days when foreign policy, and more specifically trade policy, was the exclusive domain of the executive branch are over. The WTO is rapidly becoming more than a mere trade organisation, having an ever growing impact on domestic policies. Consequently, we wish to contribute to making it more open, transparent, democratic and responsive to national policy objectives consistent with national sovereignty and international trade obligations.
3. Our objectives are to oversee WTO activities and to promote their effectiveness and fairness, keeping in mind the original objectives of the WTO set in Marrakech. We also seek to promote the transparency of WTO procedures, to improve the dialogue between government negotiators, parliaments and civil society, to build capacity in parliaments in matters of international trade and to exert influence on the direction of discussions within the WTO.
4. We reiterate our commitment to promote free and fair trade that benefits people everywhere, enhances development and reduces poverty. The negotiations in Cancún should be a milestone on the way to implement the Doha agenda. They must deliver a framework for completing it on time and provide outcomes that are necessary to ensure that the commitments and promises made in Doha are respected.
5. The Doha Development Agenda concerns us all. Failure to live up to the commitments made in Doha will have enormous and long-lasting implications for sustainable global economic development. We therefore call on all concerned, Heads of State and government, Ministers and trade negotiators to show vision and leadership and seek to make progress through cooperation.
6. Positive results in the negotiations on agriculture are essential for the success of the WTO Ministerial Conference. We call on the Ministerial Conference to make a commitment to bring to an end all agricultural policies that have contributed to underdevelopment. We invite WTO Members to reaffirm their commitment to paragraph 13 of the Doha Ministerial Declaration and to set forth a clear timetable for agreeing upon the phasing out of all forms of export subsidies and to agree upon substantial improvements in market access, taking into account special and differential treatment.
7. We recognise that agriculture has a multifunctional role which includes food safety, preservation of land, animal welfare, way of life, revitalisation of rural society and rural employment. We invite WTO Members to commit themselves to address those issues through non-trade-distorting means and, in particular, to respond positively to the sectoral initiative on cotton set out in the agenda of the WTO Conference in Cancún.
8. At the Doha Conference, agreement was reached on interpreting the TRIPS agreement in ways consistent with public health needs. This will help to improve the present situation in which a third of the world population does not have access to essential medicines. We welcome the recent decision on the

implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health as a step on the way to a solution of this contentious issue.

9. We call for the speedy implementation of this agreement through viable, simple and sustainable mechanisms and commit ourselves to introducing legislative changes to this effect. We invite the WTO and its Members to provide technical assistance to countries in need thereof. Moreover, we believe that these measures must be accompanied by the introduction of comprehensive health policies in the countries concerned. Such policies are inseparable from the provision of safe drinking water and education for all, and respect for human rights.

10. Trade in services is an ever-growing market and development of world trade in services is dependent upon meaningful results in the GATS negotiations. However, a cautious approach to liberalisation is required, especially as far as services relating to basic human rights and needs are concerned. There is a need for explicit and democratically formulated national policy objectives, detailed analysis of the consequences of the commitment to be made, and national regulation and measures guaranteeing the accomplishment of the policy objectives desired, including necessary legal control and remedies. In other words, all agreements require an appropriate assessment of their economic, social, cultural and gender impact as well as of their environmental sustainability.

11. All States are sovereign to choose those service sectors they wish to open up to foreign suppliers. Developed countries must be highly responsible when they approach developing countries in pursuit of their own interest. Solutions must be found to questions relating to special interests of developing countries and in particular the LDCs, like development of Mode 4 of service provision and rule making issues. Moreover, developed countries should consider providing assistance to countries seeking to develop a public service sector.

12. Parliaments play a significant role in the peaceful evolution of societies and multilateral relations. As legitimate representatives of our respective peoples, we, members of parliament, have a crucial task to play in international trade that entails communicating with those whom we represent to ensure effective trade policies and providing input for the negotiations that take place here in Cancún, with a view to contributing to their successful conclusion.

13. We therefore call on our respective governments participating in the 5th WTO Ministerial Conference to add the following paragraph to the final declaration: *Transparency of the WTO should be enhanced by associating parliaments more closely with the activities of the WTO.* Moreover, we call on all WTO Members to include members of parliament in their official delegations to future Ministerial Conferences.

14. We are committed to continuing our endeavours to provide a parliamentary dimension to international trade negotiations and arrangements and, to this end, propose to increase our activities in all parliaments to oversee and influence government policy in this field. We propose to set a date when all parliaments would hold an annual debate on trade related matters, especially with regard to WTO negotiations.

15. We call upon the Inter-Parliamentary Union and the European Parliament, as joint organisers of this meeting, to give practical shape to our objectives adopted consensually at this Parliamentary Conference. We call upon all parliaments to participate fully in the Parliamentary Conference on the WTO. We propose to review progress at our meeting next year.

**REPORT OF THE PANEL DISCUSSION ON "PARLIAMENTS AND THE WTO" ORGANISED BY
THE IPU WITHIN THE FRAMEWORK OF THE WTO PUBLIC SYMPOSIUM
"CHALLENGES AHEAD ON THE ROAD TO CANCÚN"**

(Geneva, 17 June 2003)

*Report approved by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

Moderator

Mr. Geert Versnick, MP (Belgium), coordinator of the IPU delegation to the Post-Doha Steering Committee

Special Guest

Dr. Supachai Panitchpakdi, WTO Director-General

Panellists

- Mr. John Dupraz, MP (Switzerland)
- Mr. Michel Hansenne, Member of the European Parliament
- Mr. Ricardo Melendez-Ortiz, Executive Director, International Centre for Trade and Sustainable Development

The session was organised by the Inter-Parliamentary Union for members of parliament attending the Symposium, and for government and civil society representatives interested in the ongoing parliamentary debate on the WTO.

In his opening remarks, the WTO Director-General, Dr. Supachai Panitchpakdi, stressed the special role that parliamentarians, as elected representatives of the people, play vis-à-vis governments and civil society, and expressed the hope that the recent increase in parliamentary activities focused on the WTO would help to bridge the gaps, lead to a better understanding of WTO issues and procedures, and eventually rally the public behind the very important issues negotiated there.

Speaking of the reasons why members of parliament should buttress the multilateral trading system, the Director-General mentioned the growing interconnection of economies around the world, the need for the trading system to be equitable and therefore rules-based, the phenomenon of competitive liberalisation, the long-term adverse consequences of the deflation paradigm, and the alarming contraction trends currently observed in the world trade. In order to move forward in the negotiations, there is a need for greater political involvement, public pressure, changes in the rules and a substantial reduction in areas of confrontation. Members of parliament can be instrumental in this regard.

Some of these ideas were echoed in the ensuing debate, which focused on the threats to multilateralism and on the missed deadlines in the Doha Round. The introductory statements made by the three panellists paved the way for a fruitful interplay of ideas which reflected a particularly wide spectrum of opinions present in the room.

As a Vice-President of the Swiss Farmers' Union, Mr. Dupraz spoke of the worsening situation of farmers all over the world as a result of the unfulfilled promises of the Uruguay Round and argued for the respect of the multifunctional nature of agriculture as stipulated in the Swiss Constitution. He also advocated complementing multilateral trade agreements with bilateral arrangements - especially with neighbouring countries - and suggested that, for the Doha Round to succeed, the eight negotiation subjects should be treated as a single undertaking.

For his part, Mr. Hansenne pointed out that parliaments were part of the political system and were directly implicated in the WTO process because of their legislative and oversight functions. Although the parliamentary dimension of the WTO is indispensable, the real work has always to be done at home. One of the priority tasks for parliamentarians in this regard is to become better informed about the WTO, help alleviate public misgivings about it, and promote the culture of dialogue which is at the very heart of parliamentary work. This task is all the more important in view of the unique nature of the WTO, which makes it at once very powerful due to the binding force of its decisions, and rather weak constitutionally. The WTO is overloaded with various side issues, many of which have little to do with trade *per se* and could be dealt with more efficiently by other international organisations. Mr. Hansenne compared the WTO to a black hole in astrophysics which sucks in all matter and even light by the sheer force of its gravitational field.

The third panellist, Mr. Melendez-Ortiz, identified two types of threats to multilateralism: those intrinsic to the system and those resulting from external factors. The former are due to the unbalanced nature of the current system and its remoteness from political controls. The latter result from unilateralism, regionalism, proliferation of bilateral agreements concluded between asymmetrical partners, and from the new globalised forms of organisation of production that are not captured by the rules of the current system. In order for parliaments to perform their role as a bridge between civil society and governments effectively, it is critical that they acquire greater understanding of the design of international structures and re-establish the control that has been partly lost through the advent of the WTO, which has engendered a shift away from the policy level to the negotiations level.

The participants responded vigorously to the thought-provoking introductory statements and contributed to the debate through numerous questions and observations. Some of the comments referred to specific examples and arguments used by the panellists, whereas others introduced totally new elements. The overriding impression was that multilateralism was under threat and that parliaments should indeed be concerned with this.

Issues of trade in agricultural products proved to be particularly controversial, although the discussion showed that simplistic approaches based on the traditional developed-developing countries dichotomy were gradually giving way to an understanding that problems and contradictions were deeply rooted and could not be solved by trade rules alone. Other issues, such as access to essential medicines for poor countries lacking the capacity to manufacture such drugs themselves, met with general consent.

Some delegates argued that direct involvement of members of parliament might remedy the current stagnation in WTO negotiations and even help to solve the image problem of the WTO in the longer term. Other delegates called for a more cautious approach, stressing that the negotiations process should remain the domain of governments. All concurred, however, that it was necessary to replace relationships based on force by a fine-tuned legal mechanism.

The participants praised the Inter-Parliamentary Union and European Parliament for their initiative to hold a special parliamentary session in Cancún on the occasion of the 5th WTO Ministerial Conference. The session should become another important step in the process of setting up a meaningful parliamentary dimension of the WTO.

**REPORT ON THE REGIONAL SEMINAR FOR SOUTH-WEST ASIAN PARLIAMENTS
ON "PARLIAMENT AND THE BUDGETARY PROCESS, INCLUDING FROM
A GENDER PERSPECTIVE"**

(Colombo, 26-28 May 2003)

*Noted by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

The present report highlights some of the major issues that emerged from the Regional seminar for Parliaments of South-West Asia on "Parliament and the budgetary process, including from a gender perspective", held in Colombo, Sri Lanka, from 26 to 28 May 2003, at the invitation of the Parliament of Sri Lanka.

DEFINING THE NATIONAL BUDGET

The budget is the most important economic policy tool of the national government. 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.

The national budget is thus the fundamental indicator of what government proposes to do and what objectives it pursues. It presents the government's financial plans for an upcoming period and is a comprehensive statement of the priorities of the nation.

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.

The budget is about people and should respond to their needs. It is a way of determining how the Government seeks to fulfill goals for the welfare of people as set out in a country's Constitution/Bill of Rights, in international instruments and standards (e.g. MDGs), and in government policy statements.

THE FUNCTIONS OF THE BUDGET

The National Budget allocates resources, distributes wealth and income, and stabilizes the economy.

The economic stabilisation function of the budget should be balanced against the need to ensure that there are adequate resources (including from external sources) to guarantee the delivery and development of essential services especially in the social sectors.

The National Budget is a benchmark against which the government can be held to account and its performance evaluated.

CHARACTERISTICS OF THE BUDGETARY PROCESS

The National Budget is characterized by the following elements:

- It is *unitary*:

Drawing up a single budget has its advantages in terms of clarity. It provides an overall vision of State policy. It should therefore include all items and sectors of expenditure foreseen for the period and all sources of revenues, including taxes, duties, grants and gifts.

- It is *coherent*:
Coherence among the different sectors of activity covered by the national budget should be ensured.
- It is *thorough and predictable*:
Drawing up a budget should be based on thorough evaluations of revenue and needs. Spending agencies should be sure of their allocations in the medium term to facilitate planning and efficient and effective delivery.
- It is *transparent*:
The budget should be presented in a clear form and with sufficient detail to be easily understood and therefore transparent. This requires making available comprehensive, accurate, timely, and useful information on the financial activities of government.
- It is *specific*:
Each projected expense should be listed under a specific heading within a structure of all programmes including all the activities under a particular ministry and the totality of resources allocated to those activities.
- It is *realistic*:
Given that demand always exceeds available resources, budgeting should be done in a realistic manner. Prioritisation is therefore important.
- It is *annual*:
Investment expenses are spread over several years while current expenditure covers the fiscal year. It is important, therefore, to ensure that details of investment expenses are clearly set out with projected costs for non-completed projects in the year ahead.
- The budget should also be *contestable*. In principle, no item in the budget should have an automatic claim to funding. All policy and funding should be regularly reviewed and evaluated in the light of determined priorities and performance of agencies.

Nevertheless, it is difficult to fully challenge a budget and re-determine budgetary allocations every year. In addition to technical and time constraints, this could also provoke a climate of political crisis/tension. Each year parliament could, however, focus its attention on at least a limited number of items and examine their validity and appropriateness. Such a practice offers the possibility to regularly contest part of the budget.

The development of Medium Term Expenditure Frameworks (MTEFs) is useful in that they provide an indication of government's plans and priorities over a longer period of time than the one covered by the annual budget. They therefore allow for adequate debate on these plans and priorities before they are translated into budgetary allocations. MTEFs make it possible to gradually and smoothly shift some budgetary allocations to other sectors and set out new priorities on a medium-term basis. This approach offers greater flexibility than incremental budgeting practice which can lead to a continuation of past inconsistencies and lack of contestability and responsiveness of the budget to societal changes and needs.

The process of compiling the budget should furthermore follow a clear and reliable schedule that is agreed upon in advance. The budgetary process includes the following stages:

- Drafting – negotiation within the executive at various levels, administrative and political, as well as consulting with parliament.
- Legislating – parliament reviews, possibly amends and adopts or rejects the draft budget.
- Implementation – revenues are collected and apportioned to departments for expenditure.
- Evaluation and audit – the supreme audit institution assesses whether the budget as approved was implemented, efficiently and effectively. Parliament is also closely involved in this stage.

COMPOSITION OF THE NATIONAL BUDGET

Resources

Taxes:

- The taxation system needs to be designed in such a way as to ensure adequate budget revenue.
- In order to reduce the tax burden on the whole of the population, the tax base should be as wide as possible.

Loans:

Loans are often a major source of revenue required to finance the budget. It is important that such loans are properly authorized by parliament and that the government be fully accountable to it for their management. This means that the government must present in advance its borrowing requirements before parliament and that subsequent to obtaining such loans, must report back to parliament on their utilisation.

Deficit spending

Budget deficits may be required, for instance, to maintain essential social services but the ultimate objective should be to have sufficient revenue to cover all expenditure.

In order to keep deficits at manageable levels, a variety of methods have been used individually or collectively. These include:

- Increasing taxes, with the disadvantage of discouraging investment;
- Cutting expenditure, which may lead to a reduction in the provision of essential services;
- Spending efficiently: that is ensuring that the government gets value for money;
- Restructuring the country's debt to achieve the lowest possible debt servicing cost;
- Increasing the tax base by bringing in more taxpayers through the stimulation of economic growth and by curbing tax evasion.
- Legislating to put a mandatory limit to the deficit as a percentage of the overall budget.

Supplementary budgets

Efforts need to be made to minimise recourse to supplementary budgets (continuous budgeting) which are often used by governments to finance expenditure that is not initially authorized by parliament. They often contribute to aggravating budget deficits. Fiscal responsibility is therefore called for and governments are encouraged to make sure that budget formulation is as thorough as possible to ensure that all foreseeable expenditure and revenue is properly budgeted. Account should also be taken of all factors that may have a negative impact on the economy.

Continuous budgeting can also be minimised by reforming and tightening budget expenditure; tracking implementation by requiring the government to present regular (for instance monthly) expenditure statements; giving greater publicity to government assumptions upon which budget proposals are based.

Budget estimates have to be as reliable and precise as possible. To determine a general trend in the government's reliability in making realistic budgetary estimates, a study could be carried out on past years' results and experience.

Public participation informs the process and helps the government to correct or adjust those assumptions. Furthermore, the provision of contingency reserves makes it possible for the government to adjust to unforeseen fiscal shocks.

Donors also have an important role to play in ensuring greater predictability and stability in capital flows thus allowing for better planning and better budgeting.

Decentralisation

In recent years, decentralisation and the devolution of centrally managed functions to lower level government units has been recognized as an important element of public sector reform and a means of achieving budget efficiency.

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.

The development of decentralised budgetary units should be accompanied by the creation of adequate oversight and accountability mechanisms and effective regulatory systems

THE ROLE OF PARLIAMENT IN THE BUDGET PROCESS

Why should parliaments be involved in the budgetary process?

- Legislative approval of the budget is a constitutional requirement. The Parliament has an essential role as the link between the public/taxpayer and the government which spends the money.
- As the representative of the people, parliament is the appropriate place to ensure that the budget reflects the priorities of the nation.
- Checks and balances support transparency and good government.
- Participation can build consensus over difficult choices and trade-offs.
- Participation can improve policy, if well designed and structured.

Variety of approaches

There are three types of parliamentary involvement in the budget creation exercise:

- Budget writing legislatures: US and to a less extent Philippines, Nigeria;
- Budget influencing legislatures: changes at the margin, e.g. Scandinavian parliaments;
- Budget approving parliaments: Westminster model parliaments where amendments are rare: UK, New Zealand. In this system, parliamentary amendments adopted without the consent of the government are equated with a vote of no confidence.

In any case, the role of parliament in writing or amending the budget should not be developed at the expense of its role in monitoring and scrutinising implementation as well as evaluating the impact of government action to implement the budget. A balance between the two functions should be sought.

Prerequisites for effective parliamentary involvement in the budgetary process:

Effective parliamentary involvement requires:

- Conducive legal framework: for instance the power of parliament to amend the budget, to monitor its implementation and to call the government to account.
- Availability of factual information including through interaction with the government departments.
- Budget documentation needs to be both ample and accessible during presentation and at the implementation stages. This makes it possible for parliament and the public to monitor basis budget performance on a continuous and to provide timely feedback to allow for corrective or remedial measures.
- Independent research and analytical capacity: examples include the establishment of parliamentary budget offices and research departments.
- Timing of the budget process: the budget should be tabled before parliament in a timely manner, usually several months in advance of when the Parliament is expected to adopt it.
- In general, in seeking to build parliament's institutional capacity to handle the budget, attention should also be paid to the political constraints that impede effective parliamentary participation.

The role of parliamentary committees

The role of parliament in the budgetary process hinges on the existence of effective committee structures: committees are the engine room of any parliament. A strong parliamentary committee system is therefore a precondition for efficient parliamentary involvement and input in the budget process.

Parliamentary committees can monitor, review and assess the budget and can make suggestions. They can question and hold special meetings with senior government officials responsible for the budget. They can organize public input into the budget process by inviting public submissions, as well as holding hearings and public meetings. They can reach out to civil society to benefit from their analysis and views. They can also

develop and implement personal petition systems whereby the poor and the marginalized can provide input to the budget process.

Throughout the implementation period, committees can monitor and evaluate the implementation of the budget, again with input from the public, civil society and other organizations, individuals and the media. The conclusion the committees draw from this work can be fed back into the budget process and help shape future budgets.

- Four possible parliamentary committee structures were discussed:
 - (a) No parliamentary committee is designed to oversee the budgetary process. The work is carried out by the Parliament as a Committee of the whole.
 - (b) One main budget/estimates committee oversees the whole of the process; this would require important resources and assistance. The committee would oversee the whole process with an internal rapporteur based system. Within the committee one member would be assigned a specific sector to examine – this person would be assisted by committee members of the different political parties represented in parliament.
 - (c) A two-tier system where one budget committee coordinates the process and handles the general budgetary allocations, while parliamentary portfolio (departmental) committees examine the specific budgetary allocations.
 - (d) No finance committee: the budget is analyzed and monitored by the various departmental committees.

Role of second Chambers in the budget process

In bicameral systems, the second (upper) House usually plays an important role in the budget process jointly with the lower House. It provides an additional forum for scrutiny of and informed debate on draft budgets, and ensures that the interests of the nation as a whole are taken into account. Generally, while budget responsibility is shared by both Houses, primacy is given to the lower House given the frequency in the renewal of the membership of the upper House, which could lead to the blockage of the budget process.

Several cases stand out:

- the Upper House has a short and fixed time to debate the budget, after which it automatically goes to the Lower House for scrutiny and approval.
- the Upper House has the power to make recommendations which are subject to approval by the other House.
- the Upper House's input in the budgetary process is channelled through the work of joint committees with membership drawn from both Houses of parliament to scrutinise the budget.

TRANSPARENCY AND ACCOUNTABILITY IN THE BUDGETARY PROCESS

Requirements for a transparent budgetary process

A transparent budgetary process calls for:

- A sound legal framework
- Clear roles and responsibilities in the budgetary process
- The provision of thorough and clear information
- An open budget process
- Independent checks and balances

The question of secrecy

The requirement for secrecy in budget matters is increasingly declining in importance. Public access to information is a democratic right. Indeed, many parliaments have adopted freedom of information

legislation that makes it a legal requirement for the government to make available budget-related information not only to the parliament but also to the general public. The Internet is a good tool for disseminating such information and receiving feedback from the public.

Expenditure plans are more and more based on Medium Term Expenditure Frameworks, which imply the presentation and disclosure of information well in advance.

A consultative approach in the budget formulation stage allows for public input and makes it possible to make informed choices in the budget process. Furthermore, open parliamentary proceedings have the advantage of promoting transparency and therefore public confidence in the budget process. Transparency also allows for predictability which is essential for a well-functioning market economy and is greatly welcomed by the private sector.

While secrecy is therefore not a requirement with regard to the expenditure side of the budget, it may be justified with respect to the revenue side, for instance when the divulgence of government taxation plans may lead to speculation by various economic actors bringing about negative effects on the economy. Even in these instances, however, the public should be adequately informed of the government's medium to long-term taxation plans.

Efforts need to be made to encourage the government to report regularly to parliament on budget achievements and for parliament to debate these in order to provide added incentives to government officials to perform more efficiently.

Ensuring accountability

Accountability is achieved through a system that takes detailed, informative and understandable budget estimates as its point of departure. It requires subsequent yet timely submission of clear performance reports by the government. In addition, there should be public audit reports that present relevant information in a manner that is useful to the reader. On the basis of this information, parliament can exercise its oversight function by examining the information at its disposal in an open manner and by reaching conclusions with recommendations that are subsequently acted upon. The whole system is based upon respect for the public's right to information.

The public audit should be carried out by a supreme audit institution, for instance the auditor general. This institution should not be part of the government structures and the auditor general should be appointed through a mechanism, preferably by parliament, that ensures his/her total independence. The auditor general should hold the necessary professional qualifications and have adequate qualified staff to be able to ensure quality control. He or she should report directly to parliament and issue timely and public reports. Finally, the auditor general should also help ensure timely and satisfactory follow-up to the recommendations, for example by issuing follow-up reports that track action taken to implement previous recommendations over a given period of time, for instance two years.

The examination of audit findings in parliament is normally carried out by a parliamentary public accounts committees (PAC). Alternatively, this Committee oversees a process in parliament in which subject (line) committees examine the part of the audit that falls within its competence. The advantage of this approach is that it combines the general overview by the PAC with the sector-specific expertise that is available in the subject committees.

Public accounts committees should not question the underlying policy but ascertain that policy has been properly implemented in the context of the budget. The Committee functions well when it summons departmental officials (rather than political officials) to provide information, invites witnesses to public hearings, coordinates its work with the auditor general and issues minutes and public reports. Cooperation across party lines is important and efforts are usually made to reach consensus in formulating conclusions and recommendations. More often than not, public accounts committees are chaired by a member of the opposition.

Outreach to civil society

Civil society outreach and input in the budget process help to improve efficiency and accountability. Civil society can help parliament to articulate the interests of certain sectors of society into relevant policy, including in the budget. It also constitutes a pool of expertise on which the parliament can draw. Civil society organisations can for instance provide an independent source of useful information and analyses that can inform the budget process.

Civil society organisations often help in monitoring government performance, tracking public expenditure and reporting thereon, following up on audit findings, as well as exposing corruption and misconduct in government.

For civil society to play this role efficiently, it needs to have access to parliament. It is desirable for it to have access to the proceedings of and the information before parliament, including committee reports and audit findings and should be able to link up with those committees in parliament that have responsibility for financial matters.

Ultimately, the opportunity for civil society participation allows for quality outcomes and better government performance in budget matters.

GENDER SENSITIVE BUDGETING

Definitions

Sex and gender do not mean the same thing. While sex refers to biological differences, gender refers to social differences, which can be modified since gender identity, roles and relations are determined by society.

Gender is a social category, like class and race. Gender analysis is a tool to analyse and plan for all people, women and men. Gender Equality is measured in terms of capabilities, opportunity and agency.

Women and men play important roles in the economy though they are placed and remunerated differently in economy. Three sectors in the economy can be defined when analysing the situation of men and women in the whole economy:

- **Formal economy:** market and state activities which are remunerated. This paid work is generally male-dominated;
- **Informal economy:** small scale activities which make use of mostly unpaid labour carried out by both women and men;
- **Care economy:** mostly in households. It concerns activities aimed at reproducing and maintaining the labour force, caring for communities, families. This is generally unpaid work performed by women.

There is an artificial separation of public (*market & government*) and private (mostly *household & community*), work which hides the existence and input of the **care economy**. This deprives women of the rewards for their labour and results in resource misallocation.

Budgets are not neutral instruments. The strategic and policy orientations under-pinning them do reflect interests and concerns of people: men and women, boys and girls. Engendering the budget is the best means of meeting the aspirations and needs of the majority of men and women, boys and girls.

Gender responsive budgets (GRBs) 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 analysis thus makes it possible to allocate budget resources in such a way that they provide equal or equitable benefits for men and women.

Why develop gender sensitive or responsive budgets?

Gender responsive budgets meet the needs of all sectors of society and therefore increase policy efficiency
Policies framed in gender-neutral terms impact differently on women and men as both sexes 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.

Gender responsive budgets increase economic efficiency and social welfare

Ignoring the specific roles played by women in the economy and in society, as well as their needs, undermines the efficiency of certain public policies. 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.

Gender budgeting is not a question of separate budgets or of increasing budgetary allocations for women but rather of ensuring that the available allocations are utilized in such a way as to improve upon the quality of life of both men and women. It is therefore a question of quality of expenditure.

Gender sensitive budgets seek to reduce gender gaps and inequalities

Gender responsive budgets highlight the definite but different contributions of women and men to the economy, including the care economies. They expose linkages and trade-offs between household and market economy and calls for creative ways of recognising, counting and rewarding women's unpaid labour and for equitable sharing of the budget.

Gender responsive budgets address poverty more effectively

It is important to note that women and men experience poverty in both similar and different ways. The processes through which they become poor are different yet related, and their response to poverty is different. To be just and effective poverty reduction strategies, policies and budgets should take these differences into account.

Gender responsive budgets help governments to honour their commitments to achieve equality, as set out for instance in the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the Millennium Development Goals.

Gender responsive budgets strengthen Parliament's role in the budgetary process

They improve the allocations of resources to poor women and men. Gender responsive budgets enhance the links between economic and social policy outcomes. Furthermore, tracking expenditures against gender and development commitments strengthens accountability and transparency in the budgetary process.

Mechanisms and tools to develop gender responsive budgets

Developing a Gender Aware Budget Statement on each section in the budget

This requires carrying out:

1. a gender situation analysis: (i.e. determining and analyzing the social and economic situation of women and men with respect to the sector);
2. a gender analysis of policy: (i.e. determining if policy responds to the gender gaps and needs identified);
3. gender analysis of budget: ((i.e. determining if the budget addresses the gender situation and if it matches policy commitments).

To that end expenditures are split into 3 categories: allocations specifically targeting women and girls, men and boys; the mainstream allocations examined for their gender impacts; and allocations intended to promote gender equality in the public service.

With regard to allocations specifically targeting women, it must be noted that some countries are now allocating a certain percentage of their budget resources to gender related programmes. 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 in the allocation of corresponding resources. So the real challenge is to examine whether mainstream expenditures address the needs of women, men, girls and boys.

Gender-Disaggregated Public Expenditure Incidence Analysis

This aims at estimating the unit cost of providing a service and the level of utilization by different groups of women and men. This analysis investigates how different income groups are benefiting from public services.

Gender-disaggregated Beneficiary Assessments This aims at determining the extent to which a certain service addresses the needs of poor women and men. It is a measure of how poor women and men themselves value a particular service.

Requirements to build GRB capacity in legislatures

To conduct a gender analysis of the budget, gender disaggregated statistics are needed to analyse the situation of women, men, girls and boys of different social/ economic backgrounds. Gender disaggregated data makes it possible for analysts, for instance, to expose how policies such as those on industrialisation, taxation, education, employment or trade affect women due to their different location and roles in the family and in the economy.

Parliaments must have access to such data and should make necessary contacts with ministries, governmental offices, research institutes and civil society gender budget advocates in that regard.

Parliamentarians need brief, accurate, simple and timely information to use in the budget debate. Parliamentary staff capacity should be strengthened so that briefs are made available in a timely way. There is a need to establish links with institutions that can carry out gender analysis of budgets, for instance, NGOs, universities and other research centers. 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.

Training for both parliamentarians and parliamentary staff on gender, economic literacy and budget reading should be encouraged.

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.

Parliament must have the financial, material and human (professional support staff, experts, analysts from civil society and academic) resources needed to carry out its missions. In this context, the financial autonomy of parliament must be upheld in theory and in practice. In accordance with the fundamental principle of the separation of powers, the internal budget of the parliament should be drawn up under the sole responsibility of the House and subsequently presented to the executive to be incorporated into the national budget. The executive is not to judge the appropriateness of the resources requested by parliament to carry out its functions. Parliamentary oversight of the execution of the budget should be entrusted to a committee of MPs in which the opposition is well represented.

Parliament should also receive 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).

Furthermore, there is a 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.

Future Meetings and other Activities

*Approved by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

Parliamentary hearing at the 58 th session of the UN General Assembly	NEW YORK (UN Headquarters) 27 October 2003
Information Seminar on the Structure and Functioning of the Inter-Parliamentary Union	GENEVA (IPU Headquarters) 24-28 November 2003
Parliamentary panel within the framework of the World Summit on the Information Society (WSIS)	GENEVA 11 December 2003
104 th Session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 15-18 January 2004
Preparatory Committee of the Second Conference of Presiding Officers of National Parliaments	GENEVA (IPU Headquarters) 26-27 January 2004
Meeting of the CSCM Coordinating Committee	NICE (France) 2 and 3 February 2004
Regional Seminar on parliament and the budgetary process, including from a gender perspective (Parliaments of the Arab region)	Early 2004
International Seminar on the role of parliaments and parliamentarians in the process of reconciliation, organised by the Spanish Committee of the UNHCR, sponsored by the IPU	VALENCIA (Spain) 19-22 February 2004
Seminar for Chairpersons and Members of Parliamentary Human Rights Bodies	GENEVA 15-17 March 2004
110 th Assembly and Related Meetings	To be decided March/April 2004
Seminar on Freedom of Expression	GENEVA 3-5 May 2004
Parliamentary Forum on the occasion of the International Conference for Renewable Energies, organised by the German Bundestag, sponsored by the IPU	BONN (Germany) 2 June 2004

Parliamentary Meeting on the occasion of UNCTAD XI	SAÕ PAOLO (Brazil) 11-12 June 2004
Sixth Workshop of Parliamentary Scholars and Parliamentarians, organised by the Centre for Legislative Studies at the University of Hull, sponsored by the IPU	OXFORD (United Kingdom) 31 July – 1 August 2004
African Parliamentary Conference on "the protection of refugees in Africa", organised by the African Parliamentary Union, sponsored by the IPU	2004

Invitations received

112 th Assembly and Related Meetings	MANILA (Philippines) March/April 2005
114 th Assembly and Related Meetings	NAIROBI (Kenya) March/April 2006
116 th Assembly and Related Meetings	ADDIS ABABA (Ethiopia) March/April 2007
118 th Assembly and Related Meetings	BANGKOK (Thailand) March/April 2008

AGENDA OF THE 110th ASSEMBLY

March/April 2004

*Approved by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

1. Election of the President and Vice-Presidents of the 110th Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the political, economic and social situation in the world with the overall theme of "Reconciliation and Partnership."
4. Promoting international reconciliation, helping to bring stability to regions of conflict, and assisting with post-conflict reconstruction

*Under this item, the First Committee will debate the responsibilities of the IPU and the broader international community in peace-making and peace-building, with particular reference to the IPU's mission to help build and strengthen representative institutions
(Committee on Peace and International Security)*

5. Working towards an equitable environment for international commerce: the issues of trade in agricultural products and the access to basic medicines

*Under this item, the Second Committee will debate the role of the IPU and parliaments in following up the parliamentary declaration adopted in Cancun on the occasion of the Fifth WTO Ministerial Meeting
(Committee on Sustainable Development, Finance and Trade)*

6. Furthering parliamentary democracy in order to protect human rights and encourage reconciliation among peoples and partnership among nations

*Under this item, the Third Committee will discuss the role of parliamentary democracy in defending human rights and promoting reconciliation. It will also look at issues relating to justice, truth commissions, amnesties, pardons, reparations and other means to bring reconciliation to parties riven by conflict
(Committee on Democracy and Human Rights)*

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES INVITED
TO FOLLOW THE WORK OF THE 110th ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

Palestine

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)

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)

ACP-EU Joint Parliamentary Assembly (JPA)
African Parliamentary Union (APU)
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Organization (AIPO)
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of Asian Parliaments for Peace (AAPP)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Confederation of Parliaments of the Americas (COPA)
European Parliamentarians for Africa (AWEPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Eurasian Economic Community
Inter-Parliamentary Assembly of the Commonwealth of Independent States
Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU)
Inter-Parliamentary Council against Antisemitism
Maghreb Consultative Council
Nordic Council
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)

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)

Organisation invited to follow the work of the 110th Assembly in the light of its agenda on "The role of the IPU in promoting parliamentary democracy as a means of protecting human rights and thereby, in cooperation with the UN, of encouraging reconciliation among peoples and partnership among nations.

International Institute for Democracy and Electoral Assistance (IDEA)

Resolutions Concerning the Human Rights of Parliamentarians

CASE N° BLS/01 - ANDREI KLIMOV - BELARUS

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Andrei Klimov, a member of the Thirteenth Supreme Soviet of Belarus, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the relevant resolution adopted at its 171st session (September 2002),

Recalling that on 17 March 2000 Mr. Klimov was found guilty of large-scale embezzlement and sentenced to 6 years' imprisonment in a hard labour colony and confiscation of his property; having, on 22 March 2002, been granted a commutation of his prison sentence to punitive deduction of earnings for a period of 22 months and 19 days in which 20% of his earnings would be withheld by the State, he was conditionally released on 26 December 2002, which meant that "he was excused from serving the remainder of the sentence",

Considering that, according to the information provided by the authorities on 28 March and 30 May 2003, Mr. Klimov's travel abroad has been temporarily restricted by virtue of Article 5, part 1, paragraphs 3 and 5, of the Law on the "Procedure of entry and exit of the Republic of Belarus by the country's nationals"; the authorities deem it "inexpedient for the Committee to continue to examine Mr. Klimov's case", because Mr. Klimov has not applied for a temporary visa to travel abroad,

Considering also that Mr. Klimov is now living with his family, is working in his own enterprise and is politically active; however, he has reportedly been unable to accept the many invitations to travel abroad he received after his release,

Noting that the Chairman of the Standing Committee on Legislation, Judicial and Legal Affairs of the House of Representatives conveyed to the Committee, shortly before the closure of its session, a communication and documents in Russian which could not be translated in time and thus were not studied by the Committee,

1. Thanks the Chairman of the Standing Committee on Legislation, Judicial and Legal Affairs of the House of Representatives for his consistent cooperation;
 2. Requests the Committee to study the communication and documents referred to it, and to report to it at its next session (March/April 2004) in the light of any new information they may contain;
 3. Requests the Secretary General to inform the authorities and the sources accordingly.
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CASE N° BLS/05 - VICTOR GONCHAR - BELARUS

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the information provided by the Chairman of the Standing Committee on Legislation, Judicial and Legal Affairs of the House of Representatives on the occasion of the 109th Assembly; also taking account of information provided by one of the sources on 22 September 2003,

Taking further into consideration communications from the Parliamentary Assembly of the Council of Europe dated 15 and 26 September 2003,

Recalling that Mr. Gonchar, together with a friend, Mr. Anatoly Krasovsky, disappeared in the evening of 16 September 1999 and that no trace has since been found of them; according to the authorities, the genotypic testing of the bloodstains found at the place of their disappearance revealed that the blood was that of Mr. Gonchar,

Considering that, according to the authorities, since the investigation revealed nothing although all eventualities regarding Mr. Gonchar's fate had been thoroughly examined, the Minsk City Prosecutor's Office decided on 20 January 2003 to suspend the preliminary investigation; however, on 24 June 2003, the investigation was reopened at the request of Ms. Gonchar on the basis of a list she provided detailing the investigative actions that the authorities had failed to carry out; moreover, Mr. Gonchar's name was put on the search list of competent inter-State and international bodies; all units of the Ministry of the Interior of Belarus and the law-enforcement agencies of the Baltic Republics, Ukraine and Russia have been requested to search for Mr. Gonchar, and the information gathered about him was sent to Interpol with the relevant requests,

Considering that, in September 2002, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) set up an ad hoc subcommittee to shed light on the circumstances of the allegedly political disappearances in Belarus, Mr. Gonchar's case being among the four cases of missing persons it has decided to prioritise in order to obtain further information on their fate; however, to date the Belarusian authorities have not been ready to invite either the subcommittee or its Rapporteur to Minsk despite the letters to that effect by the competent PACE authorities; the aim of such a visit would be to follow up a number of potential leads resulting from submissions made by witnesses to the subcommittee,

Considering finally that the parliamentary authorities have stated on several occasions that the Parliament of Belarus is committed to ensuring that full light is shed on the circumstances of Mr. Gonchar's disappearance and his whereabouts, and that President Lukashenko has pressed the competent authorities to speed up the investigation,

1. *Thanks* the parliamentary authorities, particularly the Chairman of the House Standing Committee on Legislation, Judicial and Legal Affairs, for their consistent cooperation;
2. *Is pleased* to note that the investigation, after being suspended, was reopened and *is confident* that the investigative authorities will sustain their efforts until Mr. Gonchar's whereabouts have been established; *recalls* in this respect Article 13 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations

General Assembly in 1992, which calls for investigations to be conducted *“for as long as the fate of the victim of enforced disappearance remains unclarified”*;

3. *Notes with satisfaction* Parliament’s commitment to ensuring that Mr. Gonchar’s disappearance is elucidated; *invites* it therefore to make every effort to ensure that the competent authorities cooperate to this end with the PACE “Subcommittee to shed light on the circumstances of the allegedly political disappearances in Belarus”, and *calls on* it to invite the Subcommittee to visit Minsk, as that body has requested;
 4. *Requests* the Secretary General to continue sharing with the Subcommittee all information it has on file in order to facilitate its work;
 5. *Requests* the Secretary General to inform the President of the Republic of Belarus of its concerns in the case and to convey the decision to the parliamentary authorities, the Minister of the Interior and the Prosecutor General;
 6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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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 IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of the above-mentioned parliamentarians of Burundi, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the information provided by a member of the Burundi delegation at the hearing held on the occasion of the 109th Assembly and of a letter from the Secretary General of the Transitional National Assembly dated 11 July 2003,

Recalling that the parliamentarians concerned were all assassinated; only in one case, that of Mr. Gisabwamana, has the culprit, a military officer, been identified and brought to justice, the murderers of the other MPs concerned enjoying de facto impunity,

Considering that on 6 April 2003 a six-member parliamentary group was set up by the Transitional National Assembly to work in close cooperation with the public prosecutor's office and the Minister of Human Rights, Institutional Reform and Relations with the Transitional National Assembly to ensure that the investigations into the murder of the MPs concerned were reopened and full light shed on these crimes; the group started its work in June 2003 and delivered its first report to the Assembly’s President in July 2003,

Considering that, according to the report, the group is enjoying the full cooperation of the Minister of Human Rights, Institutional Reform and Relations with the Transitional National Assembly; it met the Prosecutor General, who stated that essential information was missing owing to the “negative solidarity”

of the population; he nevertheless promised to look carefully into the matter; however, he had so far been prevented from doing so by an unlimited strike of judges and prosecutors declared on 1 September 2003; a planned meeting with the Minister of Justice did not take place as the Minister refused to see the group; it has therefore decided to question him in Parliament during the forthcoming session,

Recalling that, according to the information provided in January 2001 by the Minister for Human Rights, Burundi is obliged under domestic law to compensate all victims of human rights violations for which the State or its agents bear responsibility, *recalling* in this respect that a State official was convicted of the murder of Mr. Gisabwamana while the latter's family has so far received no reparation; considering that, according to the Chairman of the parliamentary working group, the Ministry for Human Rights, Institutional Reform and Relations with the Transitional National Assembly is prepared to settle this matter once the situation in the country so permits, without jeopardising the personal security of Mr. Gisabwamana's family members,

Considering finally that the law establishing the "Truth and National Reconciliation Commission" provided for by the Arusha Peace and Reconciliation Agreement was adopted by the Transitional National Assembly,

1. *Welcomes* the establishment of the parliamentary group mandated to look into the cases in question, and *would appreciate* being kept informed of its work;
2. *Is pleased* that the group enjoys the cooperation of the Minister of Human Rights, Institutional Reform and Relations with the Transitional National Assembly and the Prosecutor General; is confident that they will make every effort to assist the group in its work; *invites* the Minister of Justice to do likewise;
3. *Notes* with satisfaction the adoption of the law establishing the National Truth and Reconciliation Commission as an important step forward in the peace process, which, as many examples in other States have shown, can only succeed if the right of the victims of human rights violations to know the truth is fully respected; *hopes* that every effort will be made to set up the Commission as early as possible;
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, to be held on the occasion of the 110th Assembly.

CASE N° BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing 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/173/11(b)? R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the information provided by a member of the delegation of Burundi at the hearing held on the occasion of the 109th Assembly, and of a letter from the Secretary General of the Transitional National Assembly dated 11 July 2003,

Recalling that Mr. Ndiokubwayo survived two attempts on his life in September 1994 and December 1995; both crimes have remained unpunished to date,

Considering that on 6 April 2003 a six-member parliamentary group was set up by the Transitional National Assembly to work in close cooperation with the public prosecutor's office and the Minister of Human Rights, Institutional Reform and Relations with the National Assembly to ensure that the investigations into this case, among others, are reopened with a view to identifying and bringing to justice Mr. Ndiokubwayo's attackers; the group started its work in June 2003 and delivered its first report to the Assembly's President in July 2003,

Considering that, according to the report, the group is enjoying the full cooperation of the Minister of Human Rights, Institutional Reform and Relations with the National Assembly; it met the Prosecutor General, who stated that essential information was missing owing to the "negative solidarity" of the population; he nevertheless promised to look carefully into the matter; however he had so far been prevented from doing so by an unlimited strike of judges and prosecutors declared on 1 September 2003; a planned meeting with the Minister of Justice did not take place as the Minister refused to see the group; it has therefore decided to question him in Parliament during the forthcoming session,

Considering finally that the law establishing the "Truth and National Reconciliation Commission" provided for by the Arusha Peace and Reconciliation Agreement was adopted by the Transitional National Assembly,

1. *Welcomes* the establishment of the parliamentary group mandated to look into the cases in question, and *would appreciate* being kept informed of its work;
2. *Is pleased* that the group enjoys the cooperation of the Minister of Human Rights, Institutional Reform and Relations with the Transitional National Assembly and the Prosecutor General; is *confident* that they will make every effort to assist the group in its work; *invites* the Minister of Justice to do likewise;
3. *Notes* with satisfaction the adoption of the law establishing the National Truth and Reconciliation Commission as an important step forward in the peace process, which, as many examples in other States have shown, can only succeed if the right of the victims of human rights violations to know the truth is fully respected; *hopes* that every effort will be made to set up the Commission as early as possible;
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, to be held on the occasion of the 110th Assembly.

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

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Chhang Song, Mr. Siphon Phay and Mr. Pou Savath, members (expelled) of the Senate of Cambodia, as contained in the report of the Committee on the Human

Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the letter of the Senate President dated 18 August 2003 and of communications from one of the sources dated 7 and 25 August 2003,

Recalling that its concern in this case relates to the fact that the Senators concerned were expelled ipso facto from the Senate in December 2001 on the grounds that they had been expelled from their party, although there is no legal or statutory provision permitting or making provision for the loss of the parliamentary mandate in the case of loss of party membership; it has therefore considered the expulsion of the persons concerned to be unlawful and called on the authorities to remedy this situation; while the Senate President affirmed that the expulsion was founded in law, he stated that the Standing Orders would be amended and clear provisions for revocation of the parliamentary mandate introduced,

Considering that, on the Committee's recommendation, an expert mission was carried out in January 2003 to advise the Senate of Cambodia on the proposed amendment to the Senate Standing Orders regarding revocation of the parliamentary mandate; the version of the amended Standing Orders was transmitted by the Senate President in his letter of 18 August 2003; the text, which is still under review, does not provide for revocation of the parliamentary mandate by political parties; however, the transitional provisions: (a) explicitly stipulate that "*for the first legislative period of the Senate, senators who cease to be members of their original parties shall be stripped of membership in the Senate*" (Article 121); and (b) cover explicitly the Senate decision to expel the three Senators concerned, as according to Article 123 "*all decisions adopted by the Senate before the existence of valid provisions on these points*" are considered to be consistent with the Standing Orders,

Recalling finally that it has invited the Senators concerned to take their case to court, which they have not done, reportedly out of fear for their safety; *noting finally* that Senators Chhang Song and Pou Savath did not stand in the July 2003 legislative elections; while the latter campaigned for the Sam Rainsy Party (SRP), Senator Siphon Phay stood as a candidate for the SRP but was not elected,

1. *Thanks* the President of the Senate for his consistent cooperation;
 2. *Welcomes* the fact that the draft Standing Orders no longer provide for the loss of the parliamentary mandate on the grounds of loss of political party membership, and thus no longer permit a political party to revoke the parliamentary mandate;
 3. *Notes* that a special provision retroactively legitimises the wrong done to the Senators concerned; can but consider this provision to be an implicit recognition that the expulsion was indeed ill-founded in law; *invites* therefore the Senate authorities once again to consider taking remedial action in favour of its former members who suffered moral and financial prejudice as a result of their expulsion;
 4. *Requests* the Secretary General to convey this decision to the President of the Senate;
 5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly, when it hopes to be in a position to close it.
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CASE N° CO/01 -	PEDRO NEL JIMÉNEZ OBANDO)	COLOMBIA
CASE N° CO/02 -	LEONARDO POSADA PEDRAZA)	
CASE N° CO/03 -	OCTAVIO VARGAS CUÉLLAR)	
CASE N° CO/04 -	PEDRO LUIS VALENCIA GIRALDO)	
CASE N° CO/06 -	BERNARDO JARAMILLO OSSA)	
CASE N° CO/08 -	MANUEL CEPEDA VARGAS)	
CASE N° CO/139 -	OCTAVIO SARMIENTO BOHÓRQUEZ)	

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing 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/173/11(b)-R.1), and to the resolution adopted at its 171st session (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 brought to trial, while in the case of Mr. Jaramillo Ossa the murderers have been sentenced *in absentia*; *recalling also* that former paramilitary leader Carlos Castaño Gil, who was acquitted at first and second instance in the case of Senator Cepeda, acknowledged in his book *"My Confession"* (December 2001) that he had ordered and masterminded Senator Cepeda's assassination, and that the book has been submitted to the Supreme Court as evidence of Carlos Castaño's guilt; in mid-May 2003, Judge Edgar Lombano returned the book to Iván Cepeda stating that on grounds of "procedural honesty", it could not be accepted; Iván Cepeda lodged an *amparo* action with the Supreme Court against that decision; however, it was rejected, which rejection has become the subject of a petition to the Constitutional Court which is still pending; *noting* in this respect that, according to the President of the Supreme Court, new evidence can only be taken into account in review but not in cassation proceedings,

Having before it the written report on the on-site mission carried out on 31 March and 1 April 2003 for the purpose of putting IPU's concerns about these cases to the Colombian authorities and gathering first-hand information from them,

Having also before it the case of Mr. Octavio Sarmiento Bohórquez, a former member of the Colombian House of Representatives, 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"*; *noting* that Mr. Sarmiento was killed on 1 October 2001 on his farm "Bellavista" in Arauca Department by paramilitaries who, on several occasions before the murder, trespassed on his farm and who as of late September 2001 occupied it, holding the Sarmiento family captive,

Taking account of additional information obtained by the Secretary General during his subsequent visit to Colombia (May 2003) when he met the Attorney General and the Ombudsman to discuss these cases and means of ensuring progress in the investigations,

Noting that, following the Santa Fe de Ralito agreement of 15 July 2003 between the authorities and the paramilitary, a bill on their demobilisation was submitted to the National Congress, the provisions of which have been widely criticised for failing to take adequate account of questions of justice and reparation; *noting* that members of the parliamentary committee studying the bill have publicly stated that they are being pressured by Carlos Castaño to adopt it as it stands,

Taking account of a communication dated 13 August 2003 from the Director of the Human Rights Unit of the Attorney General's Office in which she undertook to provide further updated information on the investigations into the outstanding murder cases, which has nevertheless not been forthcoming,

1. *Thanks* the authorities of Colombia and, in particular, the President of the National Congress for their cooperation and for the arrangements made to ensure that the delegation was able, as requested, to travel to Bogotá, meet all concerned parties and enjoy the necessary facilities;
2. *Commends* the delegation on its work and *fully endorses* the findings and recommendations as contained in its report;
3. *Nevertheless regrets* that, except for the National Conciliation Commission, which expressed full support, the report has elicited no response from the authorities;
4. *Is convinced* that the National Congress of Colombia must take a more active part in ensuring that proper investigations are carried out and in facilitating information-sharing regarding these cases, in particular with the Ombudsman;
5. *Is also convinced* that parliamentary human rights committees can be an effective tool in combating impunity if they have the necessary powers and facilities; *calls therefore* on the presidency of the National Congress to ensure that the human rights committees in both chambers are granted the necessary powers and facilities to perform their work effectively;
6. *Urges* the authorities, and in particular the National Congress, to ensure that the joint commission set up in the framework of the amicable settlement procedure before the Inter-American Commission on Human Rights in the *Unión Patriótica* case is granted sufficient financial resources to do its work expeditiously, which would certainly lead to progress in these cases;
7. *Urges* the authorities to lend fresh impetus to the investigations into the murders of Octavio Vargas, Pedro Luis Valencia and Octavio Sarmiento, and in particular those of Pedro Nel Jiménez and Leonardo Posada, as in these two cases suspects were identified before the proceedings were dropped;
8. *Eagerly awaits* the substantive information the Attorney General's Office and the Director of its Human and Humanitarian Rights Unit undertook to provide regarding the investigations in question, including whether an investigation has been launched to ascertain the whereabouts of the wife and daughter of the key witness in the Cepeda case, and whether measures have meanwhile been taken to ensure that the convicts in this case are indeed serving their sentences;
9. *Urges* the State Council to conduct the proceedings pending before it regarding compensation for Senator Cepeda's family without further delay;
10. *Deeply regrets* that a book containing an unequivocal confession by Castaño of his guilt in Mr. Cepeda's murder has not been taken into account by the Supreme Court; notes that an appeal in this regard is under way; and *earnestly hopes* that the necessary steps will be taken to ensure that this important exhibit is taken into due account;
11. *Expresses deep concern* at the bill before Congress on the demobilisation of the paramilitary, which, in its present form, includes the option of excessively lenient sanctions for those who have committed crimes under national and international law, and would entail impunity for Carlos Castaño for his involvement in the murder of Manuel Cepeda and Bernardo Jaramillo;
12. *Stresses* that it is an internationally recognised human rights principle that amnesties and pardons can only be granted if the right to truth, justice and reparation of victims of human

rights violations is respected; *calls on* the Congress to ensure that the law it adopts on this matter is consistent with this paramount principle;

13. *Requests* the Secretary General to convey this resolution to the President of the National Congress of Colombia and to the authorities concerned, inviting them to inform the Committee of any action they may have taken to implement its recommendations;
 14. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE N° CO/09 - HERNÁN MOTTA MOTTA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Senator Hernán Motta Motta of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)? R.1), and to the resolution adopted at its 171st session (September 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; investigations have been instituted but have remained unavailing,

Having before it the written report on the on-site mission carried out on 31 March and 1 April 2003 for the purpose of putting IPU's concerns about this case to the Colombian authorities and gathering first-hand information from them,

Noting that, following the Santa Fe de Ralito agreement of 15 July 2003 between the authorities and the paramilitary, a bill on their demobilisation was submitted to the National Congress, the provisions of which have been widely criticised for failing to take adequate account of questions of justice and reparation; *noting* that members of the parliamentary committee studying the bill have publicly stated that they are being pressured by Carlos Castaño to adopt it as it stands,

1. *Thanks* the authorities of Colombia and, in particular, the President of the National Congress for their cooperation and for the arrangements made to ensure that the delegation was able, as requested, to travel to Bogotá, meet all concerned parties and enjoy the necessary facilities;
2. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
3. *Nevertheless regrets* that, except for the National Conciliation Commission, which expressed full support, the report has elicited no response from the authorities;
4. *Reaffirms* that evidence exists which would enable the authorities to pursue the investigation in this case more vigorously; therefore *eagerly awaits* the substantive information the Attorney General's Office and the Director of its Human and Humanitarian Rights Unit undertook to provide in this respect;

5. *Is convinced* that the National Congress of Colombia must take a more active part in ensuring that proper investigations are carried out and in facilitating information-sharing regarding these cases, in particular with the Ombudsman;
6. *Is also convinced* that parliamentary human rights committees can be an effective tool in combating impunity if they have the necessary powers and facilities; and *calls therefore* on the presidency of the National Congress to ensure that the human rights committees in both chambers are granted the necessary powers and facilities to perform their work effectively;
7. *Expresses deep concern* at the bill before Congress on the demobilisation of the paramilitary, which, in its present form, includes the option of excessively lenient sanctions for those who have committed crimes under national and international law, and would prevent investigation of the strong leads suggesting that Carlos Castaño was behind the death threats;
8. *Stresses* that the internationally recognised human rights principle that amnesties and pardons can only be granted if the right to truth, justice and reparation of victims of human rights violations is respected; *calls on* the Congress to ensure that the law it adopts is consistent with this paramount principle;
9. *Requests* the Secretary General to convey this resolution to the President of the National Congress of Colombia and to the authorities concerned, inviting them to inform the Committee of any action they may have taken to implement its recommendations;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.

CASE N° CO/121 - PIEDAD CÓRDOBA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Ms. Piedad Córdoba of Colombia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Recalling that Ms. Córdoba was kidnapped on 21 May 1999 by the “Autodefensas Unidas de Colombia” (AUC) and held by them until 4 June 1999; the preventive detention of their leader, Carlos Castaño Gil, has been ordered; upon her release, Ms. Córdoba had to go into exile owing to death threats, reportedly also made by the AUC; she returned to Colombia and was re-elected in March 2002; since then, two further attempts have been made on her life, in December 2002 and in January 2003,

Having before it the written report on the on-site mission carried out on 31 March and 1 April 2003 for the purpose of putting IPU's concerns about this case to the Colombian authorities and gathering first-hand information from them,

Considering that, at the time of the mission, a new plan to kill Ms. Córdoba was revealed and that, shortly before the Committee's delegation met her, she had received a copy of a letter on the subject which the Human Rights Unit of the Attorney General's Office in Medellín had addressed to the Subdirectorate of the Administrative Security Department (DAS) in Medellín, but without informing her personally,

Noting that, following the Santa Fe de Ralito agreement of 15 July 2003 between the authorities and the paramilitary, a bill on their demobilisation was submitted to the National Congress, the provisions of which have been widely criticised for failing to take adequate account of questions of justice and reparation; *noting* that members of the parliamentary committee studying the bill have publicly stated that they are being pressured by Carlos Castaño to adopt it as it stands

1. *Thanks* the authorities of Colombia and, in particular, the President of the National Congress for their cooperation and for the arrangements made to ensure that the delegation was able, as requested, to travel to Bogotá, meet all concerned parties and enjoy the necessary facilities;
 2. *Commends* the delegation for its work, and *fully endorses* the findings and conclusions contained in its report;
 3. *Nevertheless regrets* that, except for the National Conciliation Commission, which expressed full support, the report has elicited no response from the authorities;
 4. *Expresses deep concern* at the continuing death threats against Ms. Córdoba, and emphatically urges the authorities to ensure her protection not only in Bogotá but also in Medellín;
 5. *Observes* that the latest attempt on Ms. Córdoba's life clearly demonstrates that impunity only leads to the repetition of crimes, and therefore *urges* the competent authorities to fulfil their duty and carry out expeditiously the necessary investigations to identify, apprehend and punish the culprits;
 6. *Is convinced* that the National Congress of Colombia must take a more active part in ensuring that proper investigations are carried out and in facilitating information-sharing regarding these cases, in particular with the Ombudsman;
 7. *Affirms* that strong parliamentary human rights committees can be an effective tool in combating impunity if they have the necessary powers and facilities; and *calls therefore on* the presidency of the National Congress to ensure that the human rights committees in both chambers are granted the necessary powers and facilities to perform their work effectively;
 8. *Expresses deep concern* at the draft bill before Congress on the demobilisation of the paramilitary, which, in its present form, includes the option of excessively lenient sanctions for those who have committed crimes under national and international law, and would entail impunity for Carlos Castaño;
 9. *Stresses* that the internationally recognised human rights principle that amnesties and pardons can only be granted if the right to truth, justice and reparation of victims of human rights violations is respected; *calls on* the Congress to ensure that the law it adopts on this matter is consistent with this paramount principle;
 10. *Requests* the Secretary General to convey this resolution to the President of the National Congress of Colombia and to the authorities concerned, inviting them to inform the Committee of any action they may have taken to implement its recommendations;
 11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE N° CO/122 - OSCAR LIZCANO) COLOMBIA
CASE N° CO/132 - JORGE EDUARDO GECHEN TURBAY)
CASE N° CO/133 - LUIS ELADIO PÉREZ BONILLA)
CASE N° CO/134 - ORLANDO BELTRÁN CUÉLLAR)
CASE N° CO/135 - GLORIA POLANCO DE LOZADA)
CASE N° CO/136 - CONSUELO GONZÁLEZ DE PERDOMO)

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Oscar Lizcano, 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, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Recalling that all six members of the Colombian Congress were kidnapped by the Revolutionary Armed Forces of Colombia (FARC) between 5 August 2000 and 23 February 2002 and remain in their hands to date; the health of Mr. Lizcano and Mr. Pérez has seriously deteriorated in captivity and there is no hard evidence that the others are still alive,

Having before it the written report on the on-site mission carried out on 31 March and 1 April 2003, *inter alia* for the purpose of putting the IPU's concerns about these cases to the Colombian authorities, gathering first-hand information from them and offering IPU's assistance with a view to securing the release of the hostages held by FARC,

Taking account of the additional information obtained by the Secretary General during his subsequent visit to Colombia (May 2003) when he attended the First International Panel on Humanitarian Agreement and Kidnapped Children, organised by the Colombian House of Representatives, and during which he also met senior government and parliamentary authorities,

Recalling that the IPU Governing Council, at its 172nd session (Santiago, April 2003), endorsed a report of the IPU Executive Committee recommending that the IPU and its member parliaments take initiatives in support of concluding a humanitarian agreement between the Colombian Government and FARC to secure the release of the detained politicians and to pave the way for peace negotiations,

Noting that, notwithstanding the failed military attempt of May 2003 to secure the release of several hostages, which resulted in the killing of 10 of them, President Uribe has on many occasions stated his readiness to embark on negotiations with FARC for the sake of a humanitarian agreement; *noting also* the Santa Fe de Ralito agreement of 15 July 2003 between the authorities and the paramilitary, and the introduction in Congress of a wide-ranging draft bill on their demobilisation,

1. *Thanks* the authorities of Colombia and, in particular, the President of the National Congress, for their cooperation and for the arrangements made to ensure that the delegation was able, as requested, to travel to Bogotá, meet all concerned parties and enjoy the necessary facilities;
2. *Commends* the delegation for its work and *fully endorses* the findings and conclusions contained in its report;
3. *Nevertheless regrets* that, except for the National Conciliation Commission, which expressed full support, the report has elicited no response from the authorities;

4. *Recalls* that the taking of hostages among persons with no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC to respect international humanitarian law, to release the civilian hostages immediately and unconditionally, and to refrain from the unlawful practice of kidnapping;
5. *Is concerned* that, despite the stated commitment of the Government to reach a humanitarian agreement permitting the release of all those held hostage by FARC, and in sharp contrast to the advanced negotiations with the paramilitary where the Government has shown a willingness to make extensive offers, no progress is being made towards such an agreement;
6. *Calls on* the Government and FARC resolutely to embark on the path of negotiations that will allow them rapidly to achieve this objective;
7. *Invites* all IPU Member Parliaments with experience of peace and reconciliation processes, also involving securing the release of hostages, to put their experience at the service of the Colombian authorities with a view to assisting them in identifying and implementing an appropriate and humane solution;
8. *Expresses* deep concern and sorrow at the recent failed attempt to secure the release of hostages through military action, and *states its conviction* that lasting solutions can only be achieved through negotiation;
9. *Is convinced* that the Congress of Colombia can play an essential role in securing a national consensus regarding the need for a prompt humanitarian agreement, in monitoring the negotiations taking place to that effect, and in adopting such laws as may be necessary to permit its implementation, and *invites* the Congress to pursue its efforts in this regard;
10. *Emphasizes* that reaching a humanitarian agreement may constitute an important confidence-building measure facilitating subsequent negotiations for peace and an end to the armed conflict in Colombia and its devastating consequences; *reiterates*, however, that peace can only be achieved if respect for human rights is guaranteed, including the fundamental right of victims of human rights violations to know the truth and to receive just reparation;
11. *Requests* the Secretary General to convey this resolution to the President of the Colombian Congress and to the authorities concerned, inviting them to inform the Committee of any action they may have taken to implement its recommendations;
12. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.

CASE N° CO/138 - GUSTAVO PETRO URREGO - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Gustavo Petro Urrego, a member of the Colombian House of Representatives, 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/173/11(b)-R.1), which contains a detailed outline of the case,

Taking account of a communication dated 13 August 2003 from the Director of the Human Rights Unit of the Attorney General's Office in which she undertook to provide updated information on the investigations into the case of Gustavo Petro, which has nevertheless not been forthcoming,

Considering that, on several occasions in 2000 and 2001, Mr. Gustavo Petro Urrego, a member of the Colombian House of Representatives, denounced in Parliament corruption scandals in which he implicated several senior officials, and that since then he has, together with other MPs, appeared regularly on "death lists" run by paramilitary groups; *considering also* that the attempt, in December 2000, on the life of Mr. Wilson Borja, who was on the lists, highlighted the seriousness of the threats,

Considering that in June 2001 Mr. Petro Urrego was alerted by an employee of the verification unit of the Attorney General's Office that his assassination was being organised, a matter which he denounced; having been alerted, on 11 September 2001, by the watchmen of the compound in which he was living to the tailing of his vehicle by a taxi and the presence of three men prowling around near his home, Mr. Petro formally lodged a complaint with the Human Rights Unit of the Attorney General's Office; in December 2001, a list was found in which a paramilitary group had indeed declared him, along with 200 other persons, a military target; according to the source, Gustavo Petro survived those threats because the paramilitary group that had been ordered to kill him, having become overconfident in its methods, was hit hard and broken up,

Considering that Mr. Petro was informed in June 2002 that a radio conversation had been intercepted between a high-profile official of the Attorney General's Office and paramilitary leader Carlos Castaño, which indicated that they were planning to have him assassinated before 20 July 2002; Mr. Petro immediately made that information public; a few days later, the Attorney General's Office reportedly asked him to produce evidence for his statements, to which Mr. Petro replied that the death threats came from someone in the Attorney General's Office who was conspiring with the paramilitary, and that the Office should therefore conduct an internal investigation to identify its co-workers who were collaborating with the paramilitary,

Noting that the Inter-American Commission on Human Rights subsequently granted a request for the indication of provisional measures and ordered the Colombian authorities to provide Mr. Petro with all necessary protection and to investigate the death threats; *noting also* that, according to the source, the Attorney General, instead of implementing the order, immediately made an attempt - without success - to have it lifted, claiming that the petition was not admissible; *noting further* that the authorities have since then reportedly reduced the number of bodyguards assigned to Mr. Petro and replaced his armoured vehicle with an ordinary one,

Noting finally that, in early May 2003, Mr. Petro received information that a reward of over 300 million Colombian pesos had been offered for his assassination and that the paramilitary would carry out the operation, which, the source fears, may have been ordered by those he has denounced over the years,

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

1. *Expresses* deep concern at the death threats against Mr. Petro Urrego, and *emphatically urges* the authorities to ensure his protection;
2. *Stresses* the obligation of every State, including Colombia, to ensure the safety of its citizens, and *emphasizes* that, as the Human Rights Committee established under the International Covenant on Civil and Political Rights has ruled, States cannot ignore known threats to the lives of persons under their jurisdiction and must take reasonable and appropriate measures to protect them;

3. Stresses that, as the experience of Colombia amply shows, impunity only leads to the repetition of crimes, and therefore *calls on* the competent authorities to conduct in a timely and effective manner the necessary investigations leading to the identification and apprehension of the culprits;
 4. *Wishes* to ascertain the measures taken by the Colombian authorities to implement the decision of the Inter-American Commission on Human Rights;
 5. *Eagerly awaits* the substantive information which the Director of the Human and Humanitarian Rights Unit of the Attorney General's Office undertook to provide regarding the investigation in question;
 6. *Requests* the Secretary General to convey this decision to the President of the Colombian Congress and to the authorities concerned, inviting them to inform the Committee of any action they may have taken to implement its recommendations;
 7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE N° EC/02 - JAIME RICAURTE HURTADO GONZÁLEZ) ECUADOR
CASE N° EC/03 - PABLO VICENTE TAPIA FARINANGO)

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of the assassination of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member of the National Congress of Ecuador, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the relevant resolution adopted at its 171st session (September 2002),

Taking account of the observations provided by the President of the Specialised Permanent Committee on International Affairs and National Defence of the National Congress at the hearing held on the occasion of the 109th Assembly, and of the letters from the judicial authorities he conveyed; taking account also of a communication from the Prosecutor General dated 1 September 2003,

Recalling that Mr. Hurtado, Mr. Tapia and Mr. Wellington, a legislative assistant who accompanied them, were shot dead on 17 February 1999 shortly after leaving the morning plenary sitting of Parliament; *recalling also* that strong criticism has been voiced by the Special Commission of Inquiry (CEI), a monitoring commission set up by the Government, of the conduct of the investigation and the conclusions of the prosecution,

Recalling in particular the following information on file which has given rise to concern:

- By 18 May 2001, the three accused, Mr. Aguirre, Mr. Merino and Mr. Ponce, who had been sentenced by the Pichincha Court to six years' imprisonment for criminal association for their participation in the crime as accessories, had been granted early release and have since failed to appear before the investigating judge;
- The Special Commission of Inquiry has strongly criticised the prosecutor's summing-up in this case because it failed to take into account the evidence suggesting *inter alia* the participation of

a third person, Mr. Contreras, in the crime and the dubious role played by certain police officers;

- On 21 February 2002, Mr. Marcelo Andocilla López, the Commission's adviser, was attacked after presenting the Commission's report *Crime and Silence* to Congress; according to the Prosecutor General, a preliminary investigation (N° 3998-2002-RF) has been launched in the Office of the Pichincha District Prosecutor;
- Despite two Congress resolutions requesting it to pay pensions to the families of the victims in accordance with past practice, the Government has so far failed to do so;
- The judge in the case has yet to give a ruling even though the pre-trial proceedings have been closed, and the latest step in the proceedings dates back more than a year,

Considering that, according to the Prosecutor General, her Office had fulfilled the role assigned to it by the former Code of Criminal Procedure applying in this case; further action had now to be taken by the judge in the case, the President of the Higher Court of Quito; *considering* in this respect that, according to a communication from the latter to the President of the Supreme Court, the proceedings are at the intermediate stage and he hoped to arrive at a decision in the course of September 2003,

Considering also that the Special Commission of Inquiry met, at its request, with the President of the Republic on 25 April 2003 to inform him of its work and to seek his support and assistance, including on the need to act upon the request of the National Congress that financial support be granted to the widows and under-age children of the victims; according to the President of the CEI, the President of the Republic expressed support of the CEI, albeit in very general terms, so that no firm commitment was made,

1. *Thanks* the President of the Specialised Permanent Committee on International Affairs and National Defence for his observations and the documents he provided, together with his assurance of continuing cooperation;
 2. *Also thanks* the Prosecutor General for her communication; *notes* that her Office has at present completed its procedural role in the Hurtado case; *would nevertheless be pleased* to receive information on progress made in the investigation into the attack on Mr. Marcelo Andocilla López;
 3. *Takes note of* the meeting of the Special Commission of Inquiry with the President of the Republic; *trusts* that the Government will give full support to the CEI, convinced as it is that such support is essential to establishing the truth and preventing the recurrence of such cases;
 4. *Is confident* that the trial judge will take the required procedural decision without delay to allow the proceedings to progress and advance to the next stage;
 5. *Urges* the Government to act on the two resolutions adopted by the previous National Congress and, in accordance with past practice, grant pensions to the families of Mr. Hurtado, Mr. Tapia and Mr. Wellington;
 6. *Requests* the Secretary General to convey this resolution to the competent authorities, inviting them to keep the Committee informed of the proceedings;
 7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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ERITREA

CASE N° ERI/01 - OGBE ABRAHA

CASE N° ERI/02 - ASTER FISSEHATSION

CASE N° ERI/03 - BERHANE GEBREGZIABEHER

CASE N° ERI/04 - BERAKI GEBRESELISSIE

CASE N° ERI/05 - HAMAD HAMID HAMAD

CASE N° ERI/06 - SALEH KEKIYA

CASE N° ERI/07 - GERMANO NATI

CASE N° ERI/08 - ESTIFANOS SEYOUM

CASE N° ERI/09 - MAHMOUD AHMED
SHERIFFO

CASE N° ERI/10 - PETROS SOLOMON

CASE N° ERI/11 - HAILE WOLDETENSAE

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of the above-mentioned parliamentarians from Eritrea, 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/173/11(b)-R.1), which contains a detailed outline of the case,

Considering the following information on file:

- According to the source, the persons concerned were all members of the Central Committee of the *Eritrean People's Liberation Front party* (PFDJ) and as such de facto members of the first National Assembly under the 1997 Constitution; they were moreover members of the so-called "G15", a dissident group within the party which called for democratic reform and a multi-party political system with free and fair elections; in May 2001 the group issued an open letter which, according to its authors, was "a call for correction, a call for peaceful and democratic dialogue, a call for strengthening and consolidation, a call for unity, a call for the rule of law and for justice, through peaceful and legal ways and means";
- On 18 September 2001, the MPs concerned were arrested and have since been detained without any charge having been brought against them; in February 2002, the National Assembly "strongly condemned them for the crimes they committed against the people and their country" and declared that "by committing such a crime, defeatism, they have removed themselves from the National Assembly"; the authorities affirm that the National Assembly revoked their mandate on the basis of the Standing Orders, after their cases had been examined in great detail;
- The Government claims that it has solid evidence that the persons concerned committed crimes against the sovereignty, security and peace of the Nation, and that it handled the matter with the utmost care and attention in view of its gravity and sensitivity; the source affirms that the allegations of treason have not been clarified or substantiated; it was reportedly claimed that during major military setbacks in May 2001, some of the MPs concerned, who were not named, had requested the international peace talks facilitators to convey an offer to the Ethiopian Government to remove the President if Ethiopia halted its offensive; however, according to the source, the leader of the United States peace talks facilitators, Mr Anthony Lake, has denied that any such offer was ever made;
- The source fears that the MPs concerned are at risk of ill-treatment since they are held incommunicado at an unknown location; moreover, Mr. Woldetensae suffers from diabetes,

Mr. Abraha from asthma and Ms. Fissehatsion from ulcers, and it is unclear whether they are receiving the medical treatment they require; there are unconfirmed reports that Mr. Abraha may have died; the authorities, however, affirm that the MPs concerned are held in humane conditions and receive the medical care they need,

Taking account of the following observations of the authorities, as transmitted to the IPU Secretary General on 5 June 2003 by the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain: the MPs are accused of crimes against the sovereignty of Eritrea and they are treated humanely; trial proceedings in this case could lead to the revelation of sensitive information concerning third countries, thereby jeopardising the peace process with Ethiopia; they will be brought to trial once the peace process, in particular the demarcation of the border, now in its final phase, has been completed; he expected that to take about one month; *noting* in this respect that, in his progress report on Ethiopia and Eritrea to the Security Council of 23 June 2003, the United Nations Secretary General stated that, while the Boundary Commission had achieved progress in the demarcation process, it had been unable to proceed as quickly as anticipated and he noted that *"in the absence of significant movement forward, precious momentum could be lost and prove difficult to regain..."*,

Considering that, in view of the discrepancies in the information provided by the sources and the authorities regarding the conditions of detention of the former MPs concerned, the Committee decided to conduct an on-site mission and sought the approval of the authorities; they replied, through the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain, that *"such a mission would be considered an interference in internal affairs"*,

Considering finally that the authorities have affirmed that the action taken by both the executive and the legislative branches in this case is consistent with their obligations under the International Covenant on Civil and Political Rights (ICCPR), to which Eritrea is a party,

1. *Is alarmed* that the MPs concerned have been held incommunicado at an unknown location for more than two years without having been charged or brought before a court;
2. *Stresses* that the Eritrean Constitution and the International Covenant on Civil and Political Rights both guarantee the right to be promptly brought before a judge and to be tried within a reasonable time, and the right to petition a court to establish the lawfulness of the detention;
3. *Considers* that keeping the MPs concerned in detention pending completion of the peace process is tantamount to holding them hostage to that process and subverts their constitutionally and internationally enshrined right to liberty and the human rights safeguards regarding arrest and detention;
4. *Is deeply concerned* at the absence of precise information on the conditions of detention and the health of the MPs concerned, in particular given the specific medical needs of three of them and rumours that Mr. Abraha may meanwhile have died;
5. *Affirms* that the worldwide parliamentary community, by entrusting the Inter-Parliamentary Union with the mandate to examine alleged human rights violations affecting members of Parliament, has lent substance to the established international doctrine that human rights are a matter of international concern, and that ensuring their respect is a duty incumbent upon the international community;
6. *Stresses* that the purpose of the proposed on-site mission is not to interfere in the internal affairs of Eritrea but to inquire into alleged violations of the human rights of parliamentarians, and to gain a better understanding of all aspects of this complex case; calls therefore on the authorities of Eritrea to agree to the visit of a delegation with a mandate to gather as much detailed information as possible on this case through meetings with the competent parliamentary, governmental and administrative authorities and with the MPs concerned themselves, their families and their lawyers;

7. *Requests* the Secretary General to contact the authorities again to seek their approval for the organisation of an on-site mission as early as possible;
 8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly, in the hope that such a mission will meanwhile have taken place.
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CASE N° GMB/01 - LAMIN WAA JUWARA - GAMBIA

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing 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/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Recalling that, following the coup d'Etat of July 1994 and the dissolution of Parliament, Mr. Juwara was arbitrarily detained on many occasions; he was again arrested in May 1998 and, on that occasion, severely ill-treated; he was accused, along with others, of damaging construction works at Brikama Mosque; in July 1998 the judge dismissed the case, but the State appealed against the verdict with respect to him alone; on 20 October 2001, his house was the target of an arson attack and no action has reportedly been taken on his complaint about it,

Considering that the authorities have taken no steps to:

- repeal legal provisions enshrining impunity for all office-holders of the former Armed Forces Ruling Council, thereby preventing Mr. Juwara from obtaining redress for the many arbitrary detentions he suffered during the rule of the Armed Forces Provisional Ruling Council (AFPRC);
- bring to justice the person who beat up Mr. Juwara in May 1998 and the police officers who stood by without intervening;
- conclude the Brikama Mosque case, which was dismissed by the trial judge in July 1998 but pursued through an appeal lodged by the State against Mr. Juwara alone;
- investigate the arson attack on Mr. Juwara's home perpetrated in October 2001,

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 effective remedy for 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 for anyone who has been a victim of unlawful arrest or detention,

Recalling further that the Vienna Declaration and Programme of Action, which the international community adopted at the World Conference on Human Rights in 1993, stipulates 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*"; recalling also that impunity itself constitutes a violation of international law,

1. *Deplores* the lack of cooperation from the authorities, in particular Parliament;
 2. *Deplores* the failure of Parliament to avail itself of its legislative function to abrogate Section 13 of Schedule 2 to the 1997 Constitution and thus to ensure compliance of national law with the Gambia's international legal obligations;
 3. *Is compelled to conclude* that:
 - (i) in failing to abrogate legislation enshrining impunity and to provide redress for the victims of human rights violations committed under AFPRC rule, the State of the Gambia is violating Mr. Juwara's right to liberty and to compensation for arbitrary arrest and detention;
 - (ii) in failing to dispense justice by prosecuting those culprits who beat him up in May 1998 and carried out the arson attack on his house, the Gambia is violating Mr. Juwara's right to freedom from torture and right to security;
 - (iii) in failing to conduct the proceedings in the Brikama Mosque case without undue delay and in continuing, without justifiable legal reasons, appeal proceedings against Mr. Juwara alone, the Gambia is violating his right to equal treatment before the law and to fair trial, in particular the right to be tried without undue delay;
 4. *Calls on* the authorities of the Gambia to comply fully with their obligations under national and international law and ensure respect for the human rights of all citizens, including members of the opposition; *calls* in particular once again on Parliament to avail itself of its constitutional prerogatives as legislator and overseer of the executive branch to prevent human rights abuses in the future and thus assume to the full its role as a guardian of human rights;
 5. *Requests* the Secretary General to bring this resolution to the attention of the competent authorities, the sources and relevant international organizations;
 6. *Decides* to close this case.
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CASE N° GMB/03 - OMAR JALLOW - GAMBIA

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing 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/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of a communication from the source dated 4 September 2003,

Recalling that Mr. Omar Jallow was arbitrarily detained from October 1995 to 4 November 1996, reportedly for planning a peaceful demonstration, without any charges ever having been brought against him; he 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, on 16 September 2002, Mr. Jallow was reportedly

again arrested and interrogated for about four hours, before being released, by officers of the National Intelligence Agency on account of statements he had made to private newspapers,

Recalling that Decree 89 of 14 August 1996 (Political Activities Resumption Decree) prohibited certain political parties and all persons who held the offices of President, Vice-President and Ministers in the Gambia during the thirty (30) years preceding 22 July 1994 from joining any political party, addressing any political gathering or expressing publicly any political opinion; the Decree concerned Mr. Jallow, who was a Minister during the period in question, and prevented him from participating in politics; *recalling furthermore* that on 31 August 2001, the Speaker reported that the Government had repealed Decree 89,

Recalling further that on 22 March 2002 Mr. Jallow's passport was confiscated without any motives being given; the authorities ignored an order issued by the High Court on 8 July 2002 to return the passport to him immediately; *considering* that only on 26 September 2002 did the authorities obey the Court order when they returned the passport to him,

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 effective remedy for any person whose rights or freedoms under the Covenant have been violated, Article 9, paragraphs 1 and 5, of which enshrines the right to liberty and the right to compensation for anyone who has been the victim of unlawful arrest or detention, and Articles 12, 19 and 21 of which set out the right to freedom of movement, of expression and of assembly,

Recalling that, according to the Vienna Declaration and Programme of Action which the international community adopted at the World Conference on Human Rights in 1993, "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. *Deplores* the lack of cooperation from the authorities, in particular Parliament;
2. *Notes* that while the August 2001 abrogation of Decree 89, which had deprived Mr. Jallow of his political rights for five years, enabled him to resume his political activities, Section 13 of Schedule 2 to the 1997 Constitution, which prevents him from obtaining redress for his arbitrary detention, remains in force;
3. *Stresses* that it falls to Parliament to lay the foundations for the fight against impunity by establishing an effective legal framework for the purpose and by ensuring that the executive branch complies therewith, in addition to honouring its international obligations in this field;
4. *Deplores* the failure of Parliament to avail itself of its legislative function to abrogate Section 13 of Schedule 2 to the 1997 Constitution and thus to ensure compliance of national law with the Gambia's international legal obligations;
5. *Is compelled to conclude* that, in failing to abrogate legislation enshrining impunity and to provide redress for the victims of human rights violations committed under AFPRC rule, the State of the Gambia is violating Mr. Jallow's right to liberty and to compensation for arbitrary arrest and detention; in addition, by depriving Mr. Jallow of his passport without any legal basis, it has violated his right to freedom of movement;
6. *Calls on* the authorities of the Gambia to comply fully with their obligations under national and international law and ensure respect for the human rights of all citizens, including members of the opposition; *calls* in particular on Parliament to avail itself of its constitutional prerogatives as legislator and overseer of the executive branch to prevent human rights abuses in the future and thus assume to the full its role as a guardian of human rights;

7. *Requests* the Secretary General to bring this resolution to the notice of the competent authorities, the sources and relevant international organizations;
8. *Decides* to close this case.

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

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Miguel Angel Pavón Salazar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the relevant resolution adopted at its 171st session (September 2002),

Taking account of a communication from the Prosecutor General dated 26 September 2003,

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; while Mr. Quiñones lost his life in an accident during Hurricane Mitch and was officially declared dead on 19 September 2000, an international arrest warrant was issued on 5 June 2000 for Mr. Rosales, who was allegedly living in Florida in the United States of America; the investigation having subsequently again come to a standstill, a meeting took place in May 2002 on the initiative of the Chairman of Parliament's Human Rights Committee, between himself, the Office of the National Human Rights Commissioner and the Special Human Rights Prosecutor; as a result, a new international arrest warrant was issued for Mr. Rosales on 6 August 2002 and transmitted to the Interpol office,

Considering that Mr. Rosales was taken into custody in Florida on 4 March 2003 and, on 1 August 2003, extradited to Honduras, where he was interrogated and handed over to the Sampedrano Penal Centre; after six days of inquiry, a detention order was issued and, on 3 September 2003, a charge of murder (Article 117 of the Penal Code) was formally brought against him; the request of the defence to revoke the detention order was rejected on the ground that clear evidence existed of Mr. Rosales's participation in the murder; trial proceedings started on 25 September 2003 and are at present at the stage of the 20-day period provided for to hear evidence; the Prosecutor General is confident that his Office will provide irrefutable evidence of the participation of the accused and thus secure his conviction,

1. *Is highly satisfied* at the arrest and the start of the trial proceedings against the remaining suspect in this case;
2. *Greatly appreciates* the determination of the competent authorities in bringing to justice those responsible for Mr. Pavón's murder in January 1988;
3. *Trusts* that justice will now finally prevail in this case, and *would appreciate* being kept informed of the proceedings;
4. *Requests* the Secretary General to bring this decision to the attention of the National Congress, including its Human Rights Committee, the Office of the National Human Rights Commissioner and the Prosecutor General;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly, when it hopes to be able to close it.

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

Resolution adopted unanimously by the Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Tengku Nashiruddin Daud of Indonesia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)? R.1), and to the resolution adopted at its 171st session (September 2002),

Recalling the following information on file:

- according to the authorities, the police have identified rebels of the Free Aceh Movement (GAM) as suspects in the murder of Tengku Nashiruddin Daud in January 2000; 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 was allegedly 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, disappeared after police interrogation and has not been located since;
 - according to the information provided by the Attorney General to the United Nations Special Rapporteur on the Independence of the Judiciary on the occasion of his on-site mission to Indonesia in July 2002, the police had identified a suspect who was hospitalised; the investigation was pending;
 - the then newly appointed Chief of the National Police informed Parliament on 11 December 2001 about the investigation, which he undertook to make more effective; on 4 July 2002 and 16 January 2003, the Chairperson of the Sub-Committee on Law and Human Rights of the House of Representatives invited him to provide information about the stage reached in the investigation; at the meeting the Committee's President had on the occasion of the 108th IPU Conference (March 2003) with members of the Indonesian delegation, they stated that Parliament was monitoring the case but provided no details in that respect;
1. *Regrets* that the Indonesian delegation to the 109th Assembly was unable to meet the Committee, particularly in view of the absence of any communication from the authorities, including the parliamentary authorities, on progress made in the investigation into Tengku Nashiruddin's murder;
 2. *Notes* that over three years have elapsed since the investigation into this crime was instituted without its yielding any tangible result; *considers* that the information provided about the investigation suggests a lack of any forceful effort by the police to establish the truth in this case;
 3. *Recalls* that impunity is a serious violation of human rights, encourages the repetition of crime, and undermines the rule of law and the confidence of citizens in the capacity of the State to fulfil its duty to dispense justice; *stresses* that impunity in the case of a murder of an MP is particularly grave as it impairs the institution of Parliament as such, and stands as a threat to all other members of Parliament and the society they represent as a whole;

4. *Emphasises* once again that Parliament, as a guardian of human rights, has a crucial role to play in preventing impunity, all the more so when such impunity concerns the murder of one of its members; *therefore once more calls on* the Indonesian Parliament, in particular the two committees which are following the investigation, to avail itself of its oversight function to monitor the investigation effectively in this case so as to send a clear signal to the police authorities that it will not let this murder of one of its colleagues go unpunished;
 5. *Wishes* to ascertain the reply of the Chief of the Police to the requests for information addressed to him by the competent parliamentary committee in July 2002 and January 2003;
 6. *Fails to understand* why the authorities have so far not replied to its specific and repeated requests for information, namely:
 - (i) as to the circumstances in which Ibrahim Amd testified that GAM rebels had abducted and killed Tengku Nashiruddin Daud, and the legal status of Ibrahim Amd with respect to the investigation in this case, in particular whether he remains at the disposal of the investigating authorities for further questioning;
 - (ii) as to 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. Tengku Nashiruddin's role as vice-chairman of the parliamentary commission inquiring into human rights abuses while Aceh was a military operational zone, given that the lead it has so far followed has yielded no result and appears to be based mainly on a statement by a suspect in another criminal case;
 7. *Once more invites* the competent authorities to provide these details;
 8. *Notes* that, according to the Attorney General, a suspect was arrested and hospitalised; *would be grateful* to receive more details in this respect;
 9. *Wishes* to ascertain what steps Mr. Nashiruddin's political party, the United Development Party, has taken to ensure that the murder of one of its members does not go unpunished;
 10. *Requests* the Secretary General to convey this decision to the parliamentary and competent executive authorities, once again inviting them to provide the requested information; *also requests* the Secretary General to convey it to the competent national and international human rights bodies;
 11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE MAG/01 - JEAN EUGENE VONINAHITSY - MADAGASCAR

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing 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/173/11(b)? R.1), and to the resolution adopted at its 171st session (September 2002),

Recalling that on 23 December 2000 Mr. Voninahitsy was arrested without his parliamentary immunity having been lifted on a charge of insulting the Head of State; on 26 December he was also charged with issuing uncovered cheques and subsequently found guilty on both counts; while the Court of Appeal annulled the procedure in the first case, it upheld the conviction as regards the issuing of uncovered cheques; on 21 June 2001, the Supreme Court upheld that judgment and as a result Mr. Voninahitsy was stripped of his parliamentary mandate and unable to stand in the December 2001 presidential elections,

Considering that the Supreme Court, acting on an appeal lodged by the Attorney General on the orders of the Minister of Justice, by its ruling N° 100 of 1 August 2002 quashed the judgments handed down by the Criminal Chamber of the Antananarivo Appeal Court on 26 January 2001 against Mr. Voninahitsy in the case of the cheques, and terminated all the legal proceedings against him without any further action,

Considering that Mr. Voninahitsy was thus entitled to stand in the legislative elections of 15 December 2002,

1. *Notes with satisfaction* the decision of the Supreme Court, which has led to the restoration of Mr. Voninahitsy's political rights, particularly his right to stand for election;
 2. *Decides* therefore to close the case; *nevertheless deplores* the fact that Mr. Voninahitsy was arrested and endured a six-month sentence as a result of legal proceedings brought against him in breach of his parliamentary immunity;
 3. *Requests* the Secretary General to inform the parliamentary authorities and the source accordingly.
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CASE N° MAL/15 - ANWAR IBRAHIM - MALAYSIA

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia at the time of the submission of the complaint, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the report provided by the Malaysian Parliament on 27 September 2003 and of communications from the sources dated 25 and 27 September 2003,

Recalling that, having been dismissed from his post as Deputy Prime Minister and Finance Minister, Mr. Anwar Ibrahim was arrested on 20 September 1998, initially under the Internal Security Act without any charge, and subsequently prosecuted on charges of abuse of power and sodomy; he was found guilty on both counts and sentenced, in April 1999 and August 2000, respectively, to a total term of 15 years' imprisonment, which he is currently serving; on 10 July 2002, the Federal Court dismissed at final instance Mr. Anwar Ibrahim's appeal against the abuse of power charges; *considering* that in August 2002 Mr. Ibrahim lodged an application with the Federal Court to review its own decision whereby it upheld his conviction and sentence in this case; the hearing of the application, originally set for 18 March 2003, was adjourned owing to a petition of the Attorney General for the application to be heard by a five-member instead of three-member panel; that request has reportedly been approved by the Chief Justice, but no date has so far been set for a hearing,

Considering that the appeal hearing in the sodomy case started on 24 March 2003 and ended on 18 April 2003 when the Appeal Court rejected the appeal; Anwar Ibrahim filed an appeal with the Federal Court which is pending; *considering* the serious concerns widely voiced about the credibility of the main witness in the sodomy case, Mr. Azizan Abu Bakar, corroborated by the lack of any medical evidence, crucial in such cases,

Considering that, in their report of 27 September 2003, the authorities emphasise that the cases against Anwar Ibrahim were heard by the most senior judges and affirm generally that the Malaysian judiciary upholds the rule of law, is independent, acts impartially at all times and makes all decisions in accordance with the law without fear or favour; the report states that the Malaysian Government “asserts, maintains and reiterates” that these guarantees, including the presumption of innocence until proven guilty, were accorded to Mr. Anwar Ibrahim at all material times and that his trials were “in accordance with acceptable legal standards and based on reception of admissible evidence”,

Recalling that at the time of Mr. Ibrahim’s arrest, when he had not yet been charged, the Prime Minister and other senior government officials publicly stated that he was guilty of the allegations of sexual misconduct and abuse of power made against him; *recalling further* the serious concerns it has consistently expressed regarding observance of fair trial guarantees in the proceedings against Anwar Ibrahim, particularly with respect to his right to defend himself; *referring* in this context once again particularly to the disallowing of evidence to the effect that the prosecution attempted to fabricate evidence against Anwar Ibrahim, and to the sentencing of defence counsel Zainur Zakaria on account of his attempt to present such evidence,

Considering that Mr. Anwar Ibrahim is seeking bail pending his appeal against the sodomy conviction; the bail petition has not yet been heard; in August 2003, the judges reportedly said that a decision would be delivered soon,

Recalling that Mr. Anwar Ibrahim has not been allowed to go abroad for the spinal surgery recommended by his surgeon and that the Government has not taken account of the recommendation made by the National Human Rights Commission (SUHAKAM) which, on 31 May 2001, on the basis of Sections 37, 43 and 42 of the Prison Act 1995, stated publicly that Anwar Ibrahim should be allowed to undergo medical treatment abroad, a position which SUHAKAM confirmed in a communication of 13 January 2003 addressed to the Committee; *also recalling* that the parliamentary authorities have repeatedly forwarded comments, most recently in their report of 27 September 2003 stating that the Government’s refusal to allow Mr. Ibrahim to undergo medical treatment abroad was in conformity with the Malaysian Prison Act 1952 and relevant international norms, in particular the United Nations Minimum Rules for the Treatment of Prisoners; *considering* in this respect that, in their report of 27 September 2003, the authorities add that Mr. Ibrahim is receiving preferential treatment since he: (a) receives more family visits than he is entitled to; (b) receives more legal visits than any other prisoner; (c) has the privilege of exclusive use of a large air-conditioned gymnasium suitably equipped for the prescribed physiotherapy; (d) is visited regularly by specialist doctors from Kuala Lumpur Hospital, is attended daily by the hospital assistant attached to the Prison Hospital and has been taken out of prison for routine medical treatment; (e) receives a special prescribed diet to ensure his good health; (f) receives a wide variety of periodicals and books through family visits; and (g) receives regular visits of prominent religious personnel; the authorities state that Anwar Ibrahim is receiving appropriate medical treatment and that his health has significantly improved with conservative treatment,

Considering that, according to the source, following increased lumbar pain, an application was made on 21 August 2003 for Mr. Ibrahim to be allowed a visit by the Malaysian neurosurgeon of his choice, Dr. Halili Rahmat; the application has remained unanswered to date,

Recalling that, after his arrest in September 1998, Mr. Ibrahim was assaulted by the then Inspector General of Police, Rahim Noor, who beat him up; *considering* that the injuries Mr. Ibrahim sustained on that occasion may have contributed to the worsening of his back pain,

Recalling finally that it has repeatedly requested the parliamentary authorities to provide information on how the Malaysian Parliament, as a guardian of human rights, ensures the follow-up of the recommendations made by SUHAKAM and that, in their observations forwarded in August 2002, the parliamentary authorities undertook to provide these details,

1. *Thanks* the parliamentary authorities for the comprehensive report; *notes*, however, that the information and observations provided contain no new elements dispelling its concerns, particularly regarding respect for the rights of the defence, and enabling it to change its position, namely that Mr. Anwar Ibrahim's prosecution and sentencing may well have been politically motivated;
2. *Trusts* that the Federal Court will rule on Mr. Ibrahim's appeal in the sodomy case and review the abuse of power case with total independence and impartiality and in a manner fully respectful of the rights of the defence, which the Court itself considers to be "*sacrosanct*" and "*a principle so fundamental to our system of justice*";
3. *Calls on* the competent authorities to grant Mr. Ibrahim bail, given in particular his state of health which obviously - since he now needs a wheelchair - has worsened in detention;
4. *Reaffirms* that the recommendations of a national human rights commission carry special weight and should not be dismissed by the competent authorities; *considers*, in the light of the observations provided by the parliamentary authorities, that if the authorities are not under a legal obligation to grant permission for medical treatment abroad, there is also no legal provision preventing them from doing so;
5. *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 in order to obtain permission for Mr. Anwar to follow his personal choice of medical treatment abroad;
6. *Invites* the parliamentary authorities once again to provide information on how in general the Malaysian Parliament, as a guardian of human rights, ensures follow-up of the recommendations made by SUHAKAM;
7. *Requests* the Secretary General to convey this resolution to the competent Malaysian 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, to be held on the occasion of the 110th Assembly.

CASE N° MON/01 - ZORIG SANJASUUREN - MONGOLIA

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Zorig Sanjasuuren of Mongolia, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the information provided by the Mongolian delegation at the hearing held with the Committee on the occasion of the 109th Assembly,

Taking account also of the information gathered by Ms. Nedvedova, full member of the Committee, during her visit to Mongolia in September 2003,

Recalling that Mr. Zorig was brutally murdered in October 1998 and that the investigation has so far been unavailing; while the authorities followed up the recommendation it made after the Committee's on-site mission in August 2001 to set up a single investigation group, its advice to make use of foreign expertise in the field of criminal investigation has not been acted upon, although the parliamentary authorities have stated on several occasions that *"the authorities were ready to collaborate and receive foreign and international organizations' assistance"*; *noting* in this respect that, according to the information gathered by Ms. Nedvedova, the authorities now consider that, given the mistakes made at the start of the investigation, the involvement of foreign criminal experts would be of no use,

Considering that, in early December 2002, the Minister of Justice announced during a press conference the Government's decision to offer a reward of 500 million tugriks (approx. US\$ 500,000) to anyone providing serious information enabling the authorities to resolve the case; according to information provided by the Mongolian delegation on the occasion of the 109th Assembly, more than 470 communications have been forwarded to the investigative authorities and are being examined,

Considering that, according to information provided by several sources in June 2003, a Mongolian national, Mr. Enkbat, was recently, through Interpol, returned to Mongolia from France, where he had been living since 1998, the year of Mr. Zorig's murder, and is currently being interrogated in connection with this case,

Recalling that, after Mr. Zorig's murder, a parliamentary working group was set up to follow the investigation; it made a final report in July 2000; the present Parliament has not seen fit to set up a new group since, as the Mongolian delegation to the Conference reiterated, the Speaker was a member of the National Security Council, which was constantly informed about the investigation; only in June 2002 did the present Parliament take action to follow the investigation when its Special Oversight Subcommittee conducted a confidential hearing on the current stage of the investigation,

1. *Thanks* the Mongolian delegation for its cooperation;
2. *Notes* with deep concern that five years have now elapsed since Mr. Zorig's murder without any tangible outcome of the investigation;
3. *Regrets* therefore all the more that the State Great Hural has so far not seen fit to set up a special mechanism, as the previous Parliament did, enabling it to monitor the investigation and thus send a clear signal that it will not let the murder of one of its members go unpunished;
4. *Considers* that the participation of the Speaker in the National Security Council does not relieve Parliament as such of its responsibility to ensure that justice is done in this case, and cannot replace the work of a parliamentary group specifically monitoring the investigation;
5. *Remains* convinced that parliamentary monitoring action, as a manifestation of Parliament's political responsibility, is essential to progress in this case, and *emphasises once again* that such action can in no way be construed as interference with the work of the investigative authorities; *urges* therefore once again the State Great Hural to set up a special parliamentary working group with a view to monitoring the investigation and thus clearly demonstrate its will to ensure that Mr. Zorig's murderers are identified and brought to justice;
6. *Regrets* that, according to the Deputy Speaker of the State Great Hural, the authorities no longer consider making use of foreign expertise in the field of criminal investigation, and *fails to understand* their argument since the initial mistakes in the investigation have long been known;

7. *Stresses once again* that States have a duty to dispense justice; recalls that, by failing to do so, they become guilty, by omission, of a violation of human rights; and *reaffirms* that Parliament, as a guardian of human rights, has a special duty to ensure that the executive and judicial authorities comply with their obligations, and thus has a duty to ensure that Mr. Zorig's murderers are identified and brought to trial;
8. *Requests* the Secretary General to convey this decision to the authorities and the sources, inviting them to keep it informed of progress made in the investigation;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.

MYANMAR

Parliamentarians reportedly still serving their sentence:

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/122 - MIN SOE LIN
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/13 - SAW NAING NAING	CASE N° MYN/133 - YAW HIS
CASE N° MYN/36 - MYINT NAING	CASE N° MYN/134 - MIN KYI WIN
CASE N° MYN/60 - ZAW MYINT MAUNG	CASE N° MYN/138 - TOE PO
CASE N° MYN/80 - KYAW SAN	CASE N° MYN/139 - SOE MYINT
CASE N° MYN/104 - KYAW KHIN	CASE N° MYN/209 - WIN MYINT AUNG
CASE N° MYN/118 - THAN NYEIN	CASE N° MYN/215 - AUNG SOE MYINT

Parliamentarians who have reportedly been detained, under house arrest or have disappeared since 30 May 2003:

CASE N° MYN/02 - KYI MAUNG	CASE N° MYN/221 - BO ZAN
CASE N° MYN/15 - MAUNG MAUNG LATT	CASE N° MYN/222 - PAW KHIN
CASE N° MYN/22 - MYINT KYI	CASE N° MYN/223 - TIN HTUT OO
CASE N° MYN/24 - SOE MYINT	CASE N° MYN/224 - AUNG SHWE
CASE N° MYN/28 - TIN AUNG AUNG	CASE N° MYN/225 - LWIN
CASE N° MYN/102 - HLA MIN*	CASE N° MYN/226 - THAN TUN
CASE N° MYN/162 - THEIN OO*	CASE N° MYN/227 - NYUNT WAI
CASE N° MYN/212 - SAW HLAING	CASE N° MYN/228 - HLA PE
CASE N° MYN/216 - HLA MAUNG	CASE N° MYN/229 - LUN TIN
CASE N° MYN/217 - TUN MYAING	CASE N° MYN/230 - SAW AUNG
CASE N° MYN/218 - MAY HNIN KYI	CASE N° MYN/231 - HLA SOE NYUNT*
CASE N° MYN/219 - BA BA	CASE N° MYN/232 - MYINT THEIN*
CASE N° MYN/220 - BO MAUNG	CASE N° MYN/233 - SOE WIN*

Parliamentarians who died in custody:

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

Parliamentarians who were assassinated:

* MPs-elect having reportedly been released since then.

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

Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of the above-mentioned members-elect of the *Pyithu Hluttaw* (People's Assembly) of the Union of Myanmar, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 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 also 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,

Considering that, according to the source, the health of seven of the imprisoned MPs-elect, Dr. Than Nyein, Mr. Ohn Maung and Mr. Sein Hla Oo, Dr. Min Kyi Win, Dr. Min Soe Lin, Dr. May Win Myint and Mr. Do Thaug is gradually deteriorating; *noting* that the latter MP-elect was released on 2 June 2003 owing to his deteriorating health;

Considering that on 30 May 2003, following an attack on the motorcade of Ms. Aung San Suu Kyi in the north of the country where she was travelling, scores of NLD supporters were arrested and several were killed; Ms. Aung San Suu Kyi and 17 senior NLD officials have since been placed under "protective custody", NLD offices have reportedly been closed and all telephone lines of NLD officials in the region where the incident occurred have been disconnected,

Considering that during and after the incident, according to the source, the following MPs-elect were arrested: Mr. Ba Ba, Mr. Bo Maung, Mr. Bo Zan, Mr. Paw Khin, Mr. Tin Aung Aung, Mr. Tin Htut Oo, Mr. Tun Myaing, Ms. Daw Mae Hnin Kyi, Mr. Saw Hlaing, Mr. Myint Kyi, Mr. Hla Maung, Mr. Hla Min, Mr. Myint Thein, Thein Oo, Dr. Hla Soe Nyunt and Mr. Soe Win; *considering also* that the latter five MP-elects have since reportedly been released and that one of them, Mr. Soe Win, at the time of his release had head and eye injuries and was unable to speak or walk and has nearly gone blind since, reportedly as a result of torture by Military Intelligence officials and of an attempted suicide to avoid further interrogation, allegations which are denied by the military; *considering further* that MPs-elect Mr. Aung Shwe, Mr. Lwin, Mr. Soe Myint, Mr. Than Tun, Mr. Nyunt Wai, Mr. Hla Pe, Mr. Lun Tin and Mr. Kyi Maung are said to be under house arrest since then, while five other MPs (Mr. Hla Maung, Mr. Maung Maung Latt, Mr. Myint Kyi, Mr. Saw Aung, Mr. Saw Hlaing) have reportedly disappeared and may be held at an unknown location,

Considering that, according to the source, military intelligence personnel arrested Mr. Win Myint Aung, NLD MP-elect, and, after a hearing in the prison, sentenced him on 21 May 2003 together with two other NLD officials to two years' imprisonment, reportedly on the grounds of his criticism of the military government; that MP-elect Aung Soe Myint was sentenced for a minor motorcycle accident to a seven-year prison term on 19 September 2003 even though he was reportedly not at fault and the victim of the accident had pleaded in his favour; the source affirms that the real reasons for the sentence are related to Aung Soe Myint's efforts to organise an event for the 15th anniversary of the historic "8.8.88" pro-democracy movement,

Noting that the IPU Secretary General met the Deputy Permanent Representative of the Union of Myanmar to the United Nations Office in Geneva on 23 March 2003, who undertook to relay the concerns in this case to the authorities,

Considering that the United Nations Special Rapporteur on Myanmar, Mr. Pinheiro, abruptly ended his last mission in March 2003 after discovering a listening device while interviewing political prisoners in Insein Prison, and on the occasion of his last visit, concluded that the situation in Myanmar would not improve until there was “*substantive progress in the process of national reconciliation and political transition*”,

Recalling that talks started in October 2000 between the military regime and the NLD leader, Daw Aung San Suu Kyi, which initially led to the release of several MPs-elect and to the easing of some of the constraints on the operation of legal political parties; *noting* that on 30 August 2003, Gen. Khin Nyunt announced a "road map" for Myanmar's future, which included as the first step the reconvening of the National Convention adjourned in 1996,

1. *Is shocked* at the violent attack on Ms. Aung San Suu Kyi and her entourage, which included many MPs-elect who were accompanying her in the north of the country, exercising their right to freedom of movement and assembly; *stresses* that the authorities have a duty to conduct an independent and impartial investigation into the incident;
2. *Is alarmed* that since 30 May 2003, a total of 26 MP-elect were reportedly arrested, are under house arrest or are said to have disappeared; *notes* that five of them have since been released; *expresses deep concern* that one of them, Mr. Soe Win, was reportedly tortured at the hands of military officials;
3. *Urges* the authorities, as is their duty, to establish the whereabouts of the MPs-elect who have disappeared and to investigate the allegations of torture in the case of Mr. Soe Win;
4. *Expresses serious concern* at the arrest of Mr. Myint Aung and Mr. Aung Suu Myint;
5. *Fears*, in the light of the information on file, that the above MPs-elect were arrested as a result of having exercised their human rights, in particular their freedom of speech, of assembly and of movement;
6. *Strongly urges* the authorities to release forthwith all the imprisoned MPs-elect;
7. *Deeply regrets that*, despite the Secretary General's meeting with the Deputy Permanent Representative of Myanmar in Geneva and repeated requests, the authorities have still not seen fit to provide the requested information in this case;
8. *Reiterates its belief* that the only way for Myanmar to break out of its political and institutional stalemate will be through the immediate and unconditional release of all the detained MPs-elect, the removal of the ban on political activities, the establishment of institutions that are genuinely representative of the people's will and a sustained dialogue with the political opposition and with the international community;
9. *Fears* that the attack of 30 May 2003 and the renewed arrest of the leader of the NLD will seriously undermine efforts under way to bring about the much needed political changes in Myanmar; *urges* the authorities therefore to resume without delay the dialogue started in October 2000 with the NLD and its leader Daw Aung San Suu Kyi;
10. *Expresses serious doubts* about the recently presented "road map", step one of which suggests that the National Convention to be reconvened; *reaffirms its conviction* that the National Convention is designed to prolong and legitimise military rule against the will of the people, as expressed in the 1990 elections, and thus stands in direct opposition to the principle enshrined the Universal Declaration of Human Rights that the "*will of the people shall be the basis of the authority of government*";

11. *Is convinced* that stronger and more concerted action is needed by members of the Inter-Parliamentary Union, at the national and the international levels, to press for the respect of democratic principles in Myanmar and to show their solidarity with their elected colleagues from the *Pyithu Hluttaw*, inter alia by supporting the Committee Representing the People's Parliament established in 1998 and by setting up parliamentary support groups and campaigns;
 12. *Appreciates* the fact that the parliaments of Germany, Sudan and Zambia have informed the IPU of action they have taken to this end; *sincerely hopes* that more responses will be forthcoming;
 13. *Reiterates its wish* to carry out an on-site mission with a view to making progress towards a satisfactory settlement of this case;
 14. *Requests* the Secretary General to bring this resolution to the attention of the authorities of Myanmar and the source;
 15. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE N° PAK/08 - ASIF ALI ZARDARI - PAKISTAN

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Senator Asif Ali Zardari of Pakistan, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Recalling the following consistent concerns it has expressed in this case, particularly with respect to:

- The torture inflicted on Mr. Zardari on 17 and 19 May 1999 while he was 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, and the decision to charge Mr. Zardari with attempted suicide on 12 October 2000;
- His continuing detention since November 1996 and the fact that, when he was about to be released on bail in all cases pending against him, his arrest was ordered in a new case or in an already pending case;
- The length of the many criminal and accountability proceedings brought against him, some of which have now been under way for more than six years without reaching the trial stage; in this respect, the Supreme Court reportedly decided in November 2001 to extend by three months the timetable established to dispose of the accountability references so as to allow Mr. Zardari subsequently to face trial in the six criminal cases in Karachi; the source has filed an application with the Supreme Court, which has yet to be heard, concerning failure to implement the timetable,

Considering that the Secretary General, on the occasion of his official visit to Pakistan (22 to 25 July 2003) met the Acting Prosecutor General of the NAB, who stated that the delays in processing the various court cases had been mainly due to the counsel for defence and the defendant himself; the

Secretary General was told that Mr. Zardari had a whole floor to himself in a hospital in Karachi, that his daughter was at the time staying with him, and that he lacked no medical or other facilities; *considering*, however, that the Secretary General's request to visit Mr. Zardari in detention was not granted,

Recalling that, according to information provided by members of the Pakistani delegation at the hearing held on the occasion of the 108th IPU Conference (April 2003), the new Parliament stood ready to cooperate in the case; *noting* that a similar willingness was expressed by the parliamentary authorities on the occasion of the Secretary General's visit to Pakistan,

Taking account of information provided by the source that Mr. Zardari was acquitted of the attempted suicide charge by the Court of Judicial Magistrates in August 2003,

Considering that, on 5 August 2003, a Judge in Geneva, Switzerland, sentenced Mr. Zardari and his wife, former Prime Minister Bhutto, for money laundering to a six-month suspended jail term, fined them US\$ 50,000 each and ordered them to pay more than US\$ 2 million to the Pakistani Government; according to the source, the defence was not allowed to examine the documents which the Pakistani Government had made available, the convicts were not served proper notice of the case and denied the opportunity of being heard; Mr. Zardari has sent a letter to the Geneva Police in Switzerland opposing the sentence,

1. *Notes* that Mr. Zardari has reportedly been acquitted of the attempted suicide charges; would greatly appreciate receiving official confirmation thereof;
2. *Remains deeply concerned*, however, at the continuous absence of information on progress in bringing the culprits of Mr. Zardari's torture to trial; *fears* that this unresponsiveness may indicate a lack of resolve on the part of the authorities to act on the conclusive judicial findings adopted more than four years ago;
3. *Stresses* that under the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN General Assembly resolution 3452 (XXX) of 9 December 1975), "*criminal proceedings shall be instituted against the alleged offender or offenders...if an investigation establishes that an act of torture appears to have been committed*" and that "*the victim shall be afforded redress and compensation*";
4. *Urges* once again the authorities, as is their duty, to do everything in their power to bring those responsible for inflicting the injuries on Mr. Zardari to trial and to provide him with redress;
5. *Is deeply concerned* at the reported failure to implement the timetable established by the Supreme Court, particularly since in a case in which proceedings are pending in several places at the same time, such a schedule is essential to ensuring respect for the internationally recognised right to be tried without undue delay;
6. *Calls on* Parliament, as an expression of its stated commitment to cooperate in this case, to avail itself fully of its oversight function so as to ensure that Mr. Zardari's torture does not go unpunished and that the proceedings against him are completed without any further delay; *would appreciate* receiving information as to whether any such monitoring action has been taken;
7. *Deeply regrets* that the Secretary General was denied the opportunity of meeting Mr. Zardari, thereby being deprived of the possibility to obtain first-hand information on his conditions of detention and thus remove its concerns in this respect;
8. *Requests* the Secretary General to convey this resolution to the competent Pakistani authorities 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, to be held on the occasion of the 110th Assembly.*
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CASE N° PAL/02 - MARWAN BARGHOUTI - PALESTINE

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council in Ramallah, 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/173/11(b)-R.1), which contains a detailed outline of the case,

Taking account of letters from the Speaker of the Knesset dated 14 and 29 July 2003,

Considering that on 15 April 2002 Israeli Defence Forces arrested in Ramallah Mr. Marwan Barghouti, a member of the Palestinian Legislative Council, widely known, according to the sources, for advocating a just and lasting peace in the Middle East; according to the Speaker of the Knesset, his arrest was based on an arrest warrant issued on 23 September 2001 by the Magistrate's Court of Jerusalem; Mr. Barghouti was transferred to the "Russian compound" detention centre in Jerusalem and an 18-day detention warrant was issued for him; owing in particular to Military Order 1500 of 5 April 2002, which authorises the arrest and incommunicado detention of Palestinians for 18 days if they are suspected of taking military action or committing a crime against Israel, Mr. Barghouti was held for eight days without being brought before a judge; he was reportedly brought before a military judge for the first time on 26 April 2002 in the "Russian compound" itself, on which occasion he complained about the torture he suffered and rejected the jurisdiction of the court and the right of the Israeli forces to arrest him; the judge prolonged Mr. Barghouti's detention for a further 25 days and it has since been continuously extended,

Considering that, according to the Speaker of the Knesset, Mr. Barghouti's arrest is based on information received by the Israeli security authorities that Mr. Barghouti was not only "directly involved in the planning and carrying out of terrorist activities against Israeli citizens" but was also "the acknowledged leader of the 'Tanzim', the military arm of Fatah", an organisation which had "openly associated itself with terrorist acts carried out against Israel"; Mr. Barghouti was suspected of being an accessory to murder and attempted murder, of unlawful possession of weapons and of unlawful military training; the Speaker affirmed that since Mr. Barghouti was an active member of a banned organisation, nothing in his arrest, transfer or investigation was contrary to accepted norms of international law,

Considering that the following information was provided in June 2002 by Mr. Barghouti's defence counsel regarding the conditions of Mr. Barghouti's pre-trial detention:

- *During the first two weeks, Mr. Barghouti was interrogated 20 hours a day. When his counsel met him for the first time on 18 April, he was exhausted and unfocussed and told him that during interrogation he remained seated on a small plastic chair in the same position, with his hands tied behind his back and sometimes blindfolded. The lawyer stated that Mr. Barghouti was not subjected to the "Shabach" position, as initially alleged;*

- During the first three weeks of his detention, Mr. Barghouti lost seven kilograms. Moreover, he was bleeding for two weeks owing to an operation he had undergone before being arrested. Because of the detention, the operation was a failure. His cell reportedly measured 2 x 2 metres, had no windows, only a ventilation hole in the ceiling, and the light was permanently left on. Mr. Barghouti was reportedly not entitled to radio, TV, newspapers or books. The Red Cross was authorised to see him only after 40 days of detention. Mr. Barghouti was held in isolation and not allowed to see his family. A request from his wife to meet him in her capacity as a lawyer was rejected;
- A petition to lift the detention order was rejected; in secret hearings the High Court also rejected as unfounded two petitions to stop the ill-treatment, in particular the sleep deprivation,

Considering that, in his letter of 6 April 2003, the Speaker of the Knesset stated that Mr. Barghouti was being held in a wing of Ayalon Prison which was separate from the main wing for security reasons; the separation from the other prisoners was reviewed periodically by the competent authorities in accordance with the Prisons Ordinance; Mr. Barghouti was under continuous medical supervision and all his complaints regarding his state of health had been duly examined; when necessary, the appropriate medical treatment had been and would be given; *noting* that, according to information provided by the source shortly before the Committee's 102nd session (June 2003), Mr. Barghouti is at present held in the "Ramlé" detention and isolation centre; he is reportedly still kept in isolation in a 3-square-metre cell in a second basement lacking any basic hygiene: the cell is humid, infested with mosquitoes and rats, the lavatory consists of a hole in the ground, there is no window and only a small opening in the cell door (5 x 15 cm) permits ventilation; Mr. Barghouti is reportedly allowed in the closed prison courtyard for one hour a day, with his hands and feet shackled; he reportedly suffers from a lung disease and respiratory difficulties due to the cold and damp; the prison authorities reportedly deny him the necessary medical care and it was apparently only owing to international protests that he was granted one short medical visit,

Considering that, in response to the allegation that Mr. Barghouti is denied family visits and only has restricted access to his counsel, the Speaker of the Knesset replied that Mr. Barghouti is a security prisoner and, as such, subject to the relevant regulations; he is able to meet his counsel in accordance with the prison regulations and has in fact met freely with his attorneys since the beginning of the legal proceedings against him; as a rule, security prisoners are allowed to receive visits from close family members unless there are grounds for preventing such visits; at this stage, security considerations prevent Mr. Barghouti from receiving family visits and this decision is subject to review from time to time,

Considering that Mr. Barghouti stands accused of premeditated murder, being accessory to murder, incitement to murder, attempted murder, conspiracy to commit a crime, activity in a terrorist organisation and membership in a terrorist organisation; trial proceedings started before the District Court of Tel Aviv and Jaffa on 19 January 2003, and the latest hearing took place on 29 September 2003, according to trial observer reports,

Considering that Mr. Barghouti rejects the competence of the Israeli authorities to try him, essentially on the strength of Articles 13 and 17 of the Interim Agreement of September 1995 (Oslo II), Article 1 of its Annex 3, on the strength of the parliamentary immunity he enjoys as a member of the PLC and on the strength of Article 49 of the Fourth Geneva Convention, which prohibits, regardless of their grounds, individual or mass forcible transfers from occupied territory to the territory of the Occupying Power; international law experts have pointed out that, although Israel has not ratified the Fourth Geneva Convention, the United Nations Security Council has recalled in several resolutions (237 of 14 June 1967, 446 of 29 March 1979, 681 of 20 December 1990) the applicability of the Convention to the Occupied Territories; resolution 641 of 30 August 1989, which was confirmed by resolution 694 of 24 May 1991, specifies explicitly that the Geneva Convention is applicable to the territories occupied by Israel since 1967, including Jerusalem; *considering* that, according to the Speaker of the Knesset, Tel Aviv District Court, sitting in a panel of three judges, held in a long and comprehensive judgment that there was no basis for such arguments; in particular, it could find no basis, either in domestic or in international law, for parliamentary

immunity to provide impunity in respect of crimes such as murder and the acts of terror with which Mr. Barghouti was charged,

Noting that, with respect to the rejection of Mr. Barghouti's bail application, the Speaker stated that Tel Aviv District Court, in its decision of 2 January 2003, had based its ruling on the evidence presented to it which substantiated the facts alleged in the indictment and in the light of the serious offences of which Mr. Barghouti is charged,

Considering that Mr. Barghouti's defence counsel withdrew, at Mr. Barghouti's request, after the rejection of his bail application in order "*not to be an accomplice to this travesty of justice*"; the Court then appointed a lawyer who refused to plead, stating that the defendant refused to cooperate with the Israeli judicial authorities; the President of the Court has nevertheless imposed the presence of an officially appointed counsel,

Considering that, according to trial observer reports, none of the prosecution witnesses, all Palestinians, has so far testified against Mr. Barghouti and provided any evidence of his involvement in the acts of which he is accused; on the contrary, some of them contest their "*confessions*" as having been obtained under duress, others state that they were forced to sign documents in Hebrew which they did not understand, and others take the opportunity to denounce Israeli politics in the occupied territories; moreover, according to one of the sources, on 6 April 2003 the Court reportedly accepted as Mr. Barghouti's testimony a report written by the Israeli intelligence services which Mr. Barghouti had refused to sign; *considering also* that, at the first hearings, the public present in the courtroom displayed a hostile attitude, calling Mr. Barghouti "*murderer, terrorist*"; and *noting* in this respect that public officials, in particular the legal counsellor of the Israeli Government, Mr. Elyakim Rubinstein, reportedly described Mr. Barghouti publicly as "*chief terrorist*",

Considering that, in view of the widely diverging views of the authorities and the sources regarding Mr. Barghouti's situation, in particular his conditions of detention, the Committee decided to carry out an on-site mission and sought the agreement of the Israeli authorities; on 9 July 2003 the Speaker stated that "*unfortunately, an official visit by the representatives of the Committee to the accused man in prison would be interpreted as an enquiry committee into the conditions of imprisonment and we cannot therefore accede to this request*"; he reiterated this position on 29 July 2003,

Bearing in mind that Israel is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and is thus bound to respect the rights and liberties therein guaranteed, in particular the right not to be subjected to torture and ill-treatment, the right to freedom from arbitrary arrest and detention, and the right to judicial guarantees ensuring fair trial; *referring* in this respect to the concluding observations of the Human Rights Committee on Israel's second periodic report of 21 August 2003 (CCPR/CO/78/ISR) and its concerns about the use of prolonged detention without any access to a lawyer or other outside persons of and certain interrogation techniques,

1. *Thanks* the Speaker of the Knesset for the information he provided and for his cooperation;
2. *Expresses deep concern* at the consistent allegations regarding Mr. Barghouti's conditions of detention and their possible effects on his health; *regrets* that the proposed mission could not be carried out as the Israeli authorities refused to let it meet Mr. Barghouti; therefore *considers* that it lacks any data such as might dispel its concerns;
3. *Stresses* that it is a well-established international doctrine that human rights, including the right to humane conditions of detention and the right to personal and physical integrity, are a matter of international concern, and that ensuring their respect is a duty incumbent upon the international community; *points out* that this is borne out by, inter alia, the recent adoption by the United Nations General Assembly of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which prescribes for detention centres an international visiting body;

4. *Recalls that, in its judgment in the "Public Committee against Torture in Israel v. the State of Israel" case, the Supreme Court of Israel ruled that "if the suspect is intentionally deprived of sleep for a prolonged period of time, for the purpose of tiring him out or breaking him, it shall not fall within the scope of a fair and reasonable investigation";*
 5. *Would appreciate receiving, in Hebrew if no English translation is available, a copy of the High Court judgment in which the Court declares Mr. Barghouti's complaint of ill-treatment and sleep deprivation unfounded;*
 6. *Notes that, while the Speaker kindly offered to convey, in Hebrew, the comprehensive judgment delivered by Tel Aviv District Court on the question of the preliminary arguments, in particular the competence of the court to judge Mr. Barghouti, it still lacks information as to the legal grounds invoked by the Court in support of its jurisdiction; would appreciate receiving a summary of those grounds;*
 7. *Calls on the Knesset, as a guardian of human rights, to ensure that Mr. Barghouti's human rights regarding detention and trial are fully respected;*
 8. *Notes that, in his letter of 9 July 2003, the Speaker offered to arrange for the Committee's delegation which was to carry out the mission to attend a trial hearing; considers this indeed important, and decides to send a trial observer to the next court hearings; requests the Secretary General to take the necessary measures to this end;*
 9. *Requests the Secretary General to convey this resolution to the Speaker of the Knesset and the sources;*
 10. *Requests the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.*
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CASE N° PAL/ 04 - HUSSAM KHADER - PALESTINE

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Hussam Khader, an incumbent member of the Palestinian Legislative Council in Ramallah, 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/173/11(b)-R.1), which contains a detailed outline of the case,

Taking account of letters from the Speaker of the Knesset dated 14 and 29 July 2003,

Considering the following information on file:

- *Mr. Khader was arrested in the early hours of 17 March 2003 when, according to the source, some 50 soldiers barged into his house located in Balata refugee camp; they reportedly*

smashed the entrance door and fired several shots inside the house to terrorise its occupants, among them three children aged eleven, eight, and five years and a nine-month-old baby; the soldiers reportedly confiscated his personal property, including his computer, his mobile telephone and his papers, among them documents relating to his parliamentary work, and then took him, still in pyjamas, to the Petah Tikva detention camp and investigation headquarters; the detention orders have since been regularly renewed; Mr. Khader is also said to have been transferred on several occasions to other detention facilities; on one occasion, his family and lawyer were only informed of the transfer after the lawyer had threatened to file a motion in the court;

- According to the source, Mr. Khader was held incommunicado for several days after his arrest; only on 24 March 2003 was one of his lawyers, Mr. Ra'ed Mahameed, allowed to see him; on that occasion, Mr. Khader allegedly complained that he was being interrogated for more than 20 hours a day, deprived of sleep and allowed only three hours a day to rest and eat; it is alleged that Mr. Khader reiterated this complaint at a meeting with his lawyer on 4 April 2003, when he told him that he was made to sit on a chair with his hands tied behind his back and his ankles fastened; it is also alleged that at the end of May 2003, before his transfer back from Acre detention centre to the Petah Tikva detention centre, he was held for one week in solitary confinement and thereafter interrogated for 60 hours without interruption and without being allowed to eat;
- As a result of the interrogation methods and conditions of detention, Mr. Khader is reportedly suffering from severe spinal pain; although his state of health is said to be deteriorating, he reportedly does not receive the necessary medical treatment;
- According to the Speaker of the Knesset, Mr. Khader was arrested on suspicion of extensive involvement in the military activities of the Tanzim, a terror organisation, including the financing of specific acts of terror; the evidence in this case is currently being examined by the IDF prosecution authorities in order to determine whether to indict Mr. Khader and bring him to trial; according to the source, Mr. Khader is suspected of: (a) jeopardising the region's safety, and (b) engaging in militant activities against Israeli targets in the West Bank; at the first hearing, on 26 March 2003, before the military judge in the Petah Tikva headquarters, his defence counsel was reportedly not allowed to see any of the evidence gathered against him, such material having been classified by the security forces; when asked during cross-examination to elaborate on the alleged commission of such acts by Mr. Khader, the investigators reportedly refused to answer; Mr. Khader will reportedly be tried by a military court,

Considering that, in view of the widely diverging views of the authorities and the sources regarding Mr. Khader's situation, in particular his conditions of detention, the Committee decided to carry out an on-site mission and sought the agreement of the Israeli authorities; on 9 July 2003 the Speaker stated that "unfortunately, an official visit by the representatives of the Committee to the accused man in prison would be interpreted as an enquiry committee into the conditions of imprisonment and we cannot therefore accede to this request"; he reiterated this position on 29 July 2003,

Bearing in mind that Israel is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and is thus bound to respect the rights and liberties therein guaranteed, in particular the right not to be subjected to torture and ill-treatment, the right to freedom from arbitrary arrest and detention, and the right to judicial guarantees ensuring fair trial; referring in this respect to the concluding observations of the Human Rights Committee on Israel's second periodic report of 21 August 2003 (CCPR/CO/78/ISR) and its concerns about the use of prolonged detention without any access to a lawyer or other outside persons and certain interrogation techniques,

1. *Thanks the Speaker of the Knesset for the information he provided and for his cooperation;*

2. *Expresses deep concern* at the serious allegations regarding Mr. Khader's conditions of detention and the interrogation methods used, in particular deprivation of sleep; *regrets* that the proposed mission could not be carried out as the Israeli authorities refused to let it meet Mr. Khader; therefore *considers* that it lacks any data such as might dispel its concerns;
 3. *Stresses* that it is a well-established international doctrine that human rights, including the right to humane conditions of detention and the right to personal and physical integrity, are a matter of international concern, and that ensuring their respect is a duty incumbent upon the international community; *observes* that this is borne out by, inter alia, the recent adoption by the United Nations General Assembly of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which prescribes for detention centres an international visiting body;
 4. *Recalls* that, in its judgment in the "Public Committee against Torture in Israel v. the State of Israel" case, the Supreme Court of Israel ruled that "if the suspect is intentionally deprived of sleep for a prolonged period of time, for the purpose of tiring him out or breaking him, it shall not fall within the scope of a fair and reasonable investigation";
 5. *Expresses deep concern* at the allegation that Mr. Khader and his defence are not given information as to which acts or unlawful activities Mr. Khader is suspected of having committed, which may seriously hamper the preparation of his defence;
 6. *Wishes* to be kept informed of the proceedings against him; *also wishes* to ascertain the legal grounds invoked by the Israeli authorities to justify Mr. Khadar's transfer from the Occupied Territories to Israeli territory;
 7. *Calls on* the Knesset, as a guardian of human rights, to ensure that Mr. Khader's human rights regarding detention and trial are fully respected;
 8. *Requests* the Secretary General to convey this resolution to the Speaker, inviting him to provide the requested information;
 9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE N° RW/01 - EUSTACHE NKERINKA) RWANDA
CASE N° RW/02 - JACQUES MANIRAGUHA)
CASE N° RW/03 - JEAN-LÉONARD BIZIMANA)
CASE N° RW/04 - JOSEPH SEBARENZI KABUYE)

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Mr. Eustache Nkerinka, Mr. Jacques Maniraguha, Mr. Jean-Léonard Bizimana and Mr. Joseph Sebarenzi Kabuye, of Rwanda, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the letter from the President of the Transitional National Assembly of 31 July 2003 stating that the adoption of the new Constitution on 26 May 2003 put an end to the transition period in Rwanda,

Recalling that Mr. Nkerinka, Mr. Maniraguha and Mr. Bizimana, members of the Transitional National Assembly dissolved on 22 August 2003 after the adoption of the new Constitution, and Mr. Sebarenzi, President of that Assembly, lost their parliamentary mandate in March 1999 and January 2000, respectively, as a result of a decision taken by political parties; *also recalling* that the Fundamental Law of Rwanda in force at the time did not contain any legal provision authorising political parties to revoke parliamentarians or to strip them of their mandate,

Recalling that, given the absence of any provision providing for the expulsion of MPs from Parliament on the basis of a decision taken by a political party, it considered that the dismissal of the MPs concerned from Parliament was unlawful, and stressed in this respect the constant position of the IPU on the revocation of the parliamentary mandate, namely that this is a serious measure as it irrevocably deprives the parliamentarians concerned of the possibility to fulfil their mandate and that it must therefore be taken by Parliament on a clear legal basis, following a legal procedure guaranteeing the right to defence of the parliamentarian concerned and solely on serious grounds; *recalling finally* its belief that the absence of clear legal provisions on the revocation of the parliamentary mandate paves the way for abuses and ultimately harms Parliament itself,

Considering that, to avoid such cases in the future, the Committee invited the Inter-Parliamentary Union, under its technical cooperation programme, to provide advice and assistance to the Transitional National Assembly in preparing the provisions of the draft Constitution concerning revocation of the parliamentary mandate; a mission to that effect was carried out by an expert from 30 March to 5 April 2003,

Considering that, in his report, the expert noted that the draft Constitution: (a) provided for a free mandate; (b) stipulated that the parliamentarian represents the Nation and that voting is ad personam; and (c) provided for parliamentary immunity; notwithstanding these principles, Article 77 provided for the automatic loss of parliamentary mandate not only in the case of resignation or change of party, but also in that of expulsion from one's party; the report also noted the lack of any provision laying down the procedure whereby a party might rightfully expel one of its member MPs and whereby MPs concerned might seek legal redress; *considering* that the expert made recommendations with a view to ensuring greater consistency between the general principles stipulated in the draft Constitution, the position of the IPU and the provisions of Article 77 of the draft Constitution,

Noting that Article 64 of the new Constitution adopted in May 2003 stipulates that individual members of Parliament represent the Nation and not only those who elected or designated them, nor the political group which sponsored them for the election, declares any imperative mandate to be null and void, enshrines the personal nature of the vote guaranteed by parliamentary immunity; Article 78 (1) stipulates that any deputy who in the course of his/her mandate resigns or is expelled from his/her party or changes party affiliation, automatically forfeits his/her parliamentary seat; Article 78 (2, 3) offers an appeal with suspensive effect before the High Court of the Republic and the Supreme Court against such decisions,

1. *Thanks* the President of the now dissolved Transitional National Assembly for his cooperation;
2. *Notes* that the drafters of the Constitution have acted upon one of the recommendations of the IPU expert, and provided for an appeal against political party decisions that result in loss of the parliamentary mandate;
3. *Notes* in this respect that the Constitution provides for loss of the parliamentary mandate on the grounds of expulsion from the political party to which the MP concerned belonged; *questions* how this provision can be compatible with the general principles of the parliamentary mandate laid down in Article 64 of the Constitution; *observes* that this provision severs the relationship between members of Parliament and their political parties and thus appears to rule out the revocation of parliamentary mandates by political parties;
4. *Regrets* this apparent inconsistency;

5. *Reaffirms* that the MPs concerned were expelled from Parliament on legally invalid grounds and were afforded no opportunity of redress; *deeply regrets* this state of affairs;
 6. *Decides* to close the case.
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CASE N° RW/06 - LEONARD HITIMANA - RWANDA

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda dissolved on 22 August 2003, 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/173/11(b)-R.1), which contains a detailed outline of the case,

Considering that Mr. Léonard Hitimana disappeared in the night of 7 to 8 April 2003 after paying a visit to a friend in Kigali; according to one of the sources, he was abducted by the Rwandan intelligence service (DMI); his car was found on 9 April near the Ugandan border and, according to one of the sources, was left there to give the impression that Mr. Hitimana had left the country,

Considering that, in his letter of 12 May 2003, the President of the Transitional National Assembly confirmed that Mr. Hitimana had been reported missing and that his car had been found near the Ugandan border, in the town of Kaniga in Byumba province; he stated that upon learning of his disappearance, he had immediately alerted the security services so that "an investigation might be conducted to shed full light on the situation"; with regard to the allegation of a kidnapping by the DMI, the President noted that the Transitional National Assembly would await the investigation findings before stating its views on the matter,

Considering that Mr. Hitimana's name appeared in a report dated 17 March 2003 of a special parliamentary oversight committee set up in December 2002 to examine the structures and policies of the Democratic Republic Movement (*Mouvement démocratique républicain, MDR*) to which Mr. Hitimana belonged; Mr. Hitimana, along with other persons, was accused in that report of belonging to a group of persons allegedly aiming to disseminate an ideology of divisive ethnic discrimination; noting that the report, a copy of which was forwarded to the Committee, did not contain any evidence or other elements substantiating the accusation brought against Mr. Hitimana,

Considering that, as a result of that report, the MDR, one of the eight parties represented in the Transitional National Assembly, was dissolved and therefore could not participate in the legislative elections held from 29 September to 2 October 2003,

Bearing in mind that Rwanda is a party to the African Charter of Human and Peoples' Rights and is also a signatory to the International Covenant on Civil and Political Rights, both of which guarantee the right to life, liberty and security of person,

Noting finally that the new Constitution adopted by referendum on 26 May 2003 put an end to the transition period following the genocide of 1994, and that presidential elections were held in August 2003 and legislative elections in September/October 2003,

1. *Thanks* the President of the now dissolved Transitional National Assembly for the information he provided;
 2. *Is deeply concerned* at the disappearance of Mr. Hitimana, and fears that it may be related to the unsubstantiated accusations made against him in the report of the parliamentary oversight committee;
 3. *Notes* that an investigation has been instituted to elucidate the circumstances of Mr. Hitimana's disappearance, and wishes to be informed of its outcome;
 4. *Recalls* that "*forced disappearances*" are a serious violation of human rights, and refers in this respect to 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 . . .*";
 5. *Requests* the Secretary General to contact the new authorities, inviting them to provide the requested information;
 6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE N° SYR/02 - MAMOUN AL-HOMSI - SYRIAN ARAB REPUBLIC

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Mamoun Al-Homsi, a former member of the People's Council of the Syrian Arab Republic, 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/173/11(b)-R.1), which contains a detailed outline of the case; *also taking account* of the report on the on-site mission which the Committee carried out from 11 to 14 May 2002 (CL/173/11(b)-R.4),

Taking into consideration the observations provided by the Syrian delegation at the hearing held on the occasion of the 109th Assembly,

Considering the following information on file:

- On 7 August 2001, Mr. Al-Homsi addressed an open letter to his fellow citizens in which he deplored the fact that the State had ignored the calls he had constantly launched throughout his ten years as a parliamentarian for, *inter alia*, observance of the Constitution, the lifting of the state of emergency, a strengthening of the judiciary, an end to the activities of the "*Central*

Committee for Inspection and Oversight, which has become a source of terror", pursuit of the fight against corruption, including preventing embezzlement among some officials and cancelling cellular telephone contracts, a halt to the intrusion of the security services in daily life, an increased role for the People's Assembly, and the establishment of a parliamentary committee for the protection of human rights; Mr. Al-Homsi denounced in his letter the doings of the State, which, *"instead of seeking solutions to the citizens' problems"*, put pressure on him, and he notified his decision to begin a hunger strike in his office and to continue it for one week; according to the parliamentary authorities, he proclaimed in that open letter *"his opposition to the State and its institutions by means of harsh criticism and propaganda"*; they explained that Mr. Al-Homsi had written that letter and decided to go on hunger strike because *"he became perturbed"* on receiving notice of his income tax reassessment and wanted to exert pressure on the Government;

- Mr. Al-Homsi was arrested on 9 August 2001 and subsequently charged under Articles 291, 294, 307, 370, 376 and 378 of the Syrian Penal Code with attempting to change the Constitution by unlawful means, preventing the authorities from carrying out their duties, undermining national unity, tarnishing the reputation of the State, impeding the functioning of its institutions and insulting the legislative, executive and judicial branches;
- Mr. Al-Homsi's trial before the Second Penal Court of Damascus opened on 30 October 2001 and ended on 20 March 2002 with a guilty verdict and his sentencing to five years' imprisonment; one of the three judges, Judge Abas Deeb, delivered a dissenting opinion in which he pointed out that, as an elected MP, Mr. Al-Homsi should enjoy the freedom of speech guaranteed to him under Article 38 of the Constitution and held that the court did not take into account the arguments put forward by the defence team and Mr. Al-Homsi himself; on 24 June 2002 the Appeal Court upheld the judgment, which has thus become final; while the parliamentary authorities affirm that Mr. Al-Homsi enjoyed all fair trial guarantees, the sources and the observers from the European Union regarded the trial as not having matched internationally accepted standards of fair trial;
- the sources affirm that Mr. Al-Homsi's health has deteriorated in detention as he does not receive the necessary medical treatment for his diabetes; during the night of 22-23 July 2003 he was reportedly taken to hospital after suffering a heart attack; he had reportedly also undergone several hospital treatments for kidney stones,

Considering that, on the basis of the information gathered by the on-site mission, the Committee has called on the authorities to release Mr. Al-Homsi; according to the information provided by the Speaker of the People's Council in September 2002, Parliament was about to consider the question of a special amnesty; however, this was not the case; on the occasion of a meeting with the Committee's President in Santiago, the new Speaker stated that Parliament had no power to adopt an amnesty, but undertook to relay favourably to the President of the Republic the question of an amnesty for Mr. Al-Homsi; at the hearing held in Geneva, the Vice-President of the People's Council stated that the President of the Republic had granted a general amnesty which resulted in a one-third reduction of Mr. Al-Homsi's prison sentence,

1. *Thanks* the Syrian authorities, particularly Parliament, for their cooperation, in particular for having received a mission of the Committee on the Human Rights of Parliamentarians;
2. *Shares* the Committee's concern, as expressed in its mission report, that Mr. Al-Homsi was prosecuted on account of acts that constitute a peaceful and legitimate exercise of his right to freedom of expression guaranteed under Article 38 of the Constitution of Syria and Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Syria is a party; *points out* that in calling in his open letter for the establishment of a parliamentary human rights committee, Mr. Al-Homsi in fact echoed recommendations made by the Inter-Parliamentary Union;

3. Stresses that it is the constitutional role of members of Parliament to propose new legislation, including at the constitutional level, and to oversee the action of the executive branch, a role entailing criticism of the government and other State actors;
 4. *Calls therefore on* the Head of State to grant Mr. Al-Homsî an amnesty and to order his immediate release; *calls on* the People's Assembly to relay its plea favourably to the Head of the State;
 5. *Requests* the Secretary General to convey this resolution to the competent authorities and the sources;
 6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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CASE N° SYR/03 - RIAD SEEF - SYRIAN ARAB REPUBLIC

Resolution adopted unanimously by the IPU Governing Council at its 173rd session (Geneva, 3 October 2003)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Riad Seef, a former member of the People's Council of the Syrian Arab Republic, 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/173/11(b)-R.1), which contains a detailed outline of the case; *also taking note* of the report on the on-site mission which the Committee carried out from 11 to 14 May 2002 (CL/173/11(b)-R.4),

Taking into consideration the observations provided by the Syrian delegation at the hearing held on the occasion of the 109th Assembly,

Considering the following information on file:

- Mr. Riad Seef, an independent member of the People's Assembly, was arrested on 6 September 2001, reportedly without a warrant and before his parliamentary immunity had been lifted; he was subsequently charged with "*defaming the Constitution, unlawful activities and hostility towards the regime*"; on 4 April 2002, the Criminal Court of Damascus found him guilty of attempting to change the Constitution by unlawful means, setting up a clandestine organisation and organising unauthorised meetings; on 24 June 2002, the judgment was upheld on appeal and has thus become binding; according to trial observers from the European Union, the trial fell short of fair trial standards; Mr. Seef was in particular prevented from properly presenting his defence;
- according to the information gathered by the Committee's on-site mission, Mr. Seef had started in the time of President Hafez Al-Assad organising forums at which lectures were given and participants could discuss the issues; they took place every two weeks, the last time on 5 September 2001, the day before he was arrested; Mr. Seef never had received an official paper prohibiting the forum; he had also begun to establish a Social Peace Movement as a first step to setting up a political party because the Vice-President of the Republic had told him that a law on political parties was about to be adopted; according to the authorities, Mr. Seef

attempted to set up a political party and hold gatherings outside the confines of the law and without the necessary legal authorisation;

- at the hearing held on the occasion of the 109th Assembly, the Vice-President of the People's Council stated that the criminal acts held against Mr. Seef were in fact motivated by matters relating to financial and tax issues; Ms. Al-Somadi, MP stated on the same occasion that she herself had a literary salon in which Mr. Seef had participated; during the discussions he expressed criticism with regard to specific economic matters and he had attempted to exert pressure on the Finance Minister regarding his own financial problems,

Considering that, on the basis of the information gathered by the on-site mission, the Committee has called on the authorities to release Mr. Riad Seef; in September 2002 the Speaker of the People's Council stated that Parliament was about to consider the question of a special amnesty for Mr. Riad Seef and others; however, this did not happen; on the occasion of a meeting with the Committee's President in Santiago, the new Speaker stated that Parliament had no power to adopt an amnesty, but he undertook to relay favourably to the President of the Republic the question of an amnesty for Mr. Riad Seef; at the hearing held in Geneva, the Vice-President of the People's Council stated that the President of the Republic had granted a general amnesty which resulted in a one-third reduction of Mr. Riad Seef's prison sentence,

Bearing in mind that, in its concluding observations of April 2001 on the second periodic report of the Syrian Arab Republic submitted in conformity with Syria's obligations as a party to the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee expressed concern at the restrictions placed on the right to peaceful assembly and at the absence of specific legislation on political parties, and invited Syria to ensure that the proposed law on political parties was compatible with the Covenant,

1. *Thanks* the Syrian authorities and in particular, Parliament for their cooperation, especially for having received a mission of the Committee on the Human Rights of Parliamentarians;
2. *Shares* the Committee's concern, as expressed in its mission report, that Mr. Riad Seef was prosecuted on account of acts that constitute a peaceful and legitimate exercise of his right to freedom of expression, of assembly and association as guaranteed under Articles 38, 39 and 48, respectively, of the Constitution of Syria and Articles 19, 21 and 22, respectively, of the International Covenant on Civil and Political Rights (ICCPR), to which Syria is a party;
3. *Stresses* that it is the constitutional role of members of Parliament to propose new legislation, including at the constitutional level, and to oversee the action of the executive branch, a role entailing criticism of the government and other State actors;
4. *Calls on* the Head of State to grant Mr. Riad Seef an amnesty and to order his immediate release; *calls on* the People's Assembly to relay its plea favourably to the Head of State;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and the sources;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.

TURKEY

CASE N° TK/39 - LEYLA ZANA
CASE N° TK/40 - SEDAT YURTDAS
CASE N° TK/41 - HATIP DICLE

CASE N° TK/52 - SELIM SADAK
CASE N° TK/53 - NIZAMETTIN TOGUÇ
CASE N° TK/55 - MEHMET SINÇAR

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/57 - MAHMUT KILINÇ
CASE N° TK/58 - NAIF GÜNES
CASE N° TK/59 - ALI YIGIT
CASE N° TK/62 - REMZI KARTAL

***Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly (TGNA), as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the relevant resolution adopted at its 171st session (September 2002),

Taking account of the observations provided by the Chairman of the Turkish Inter-Parliamentary Group at the hearing held on the occasion of the 109th Assembly,

Recalling that, apart from Mr. Sınçar, whose assassination in September 1993 has remained unpunished, the persons concerned lost their parliamentary mandate as a result of the banning of the political party to which they belonged; six went into exile and the others were sentenced to prison terms which four of them, having been sentenced in December 1994 to a 15-year prison term, namely Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak are still serving; in its judgment of 17 July 2001 on their case, the European Court of Human Rights concluded that they had not been tried by an independent and impartial court on account of the presence of a military judge and that *"they suffered such violations of their right to defence that they did not enjoy a fair trial"*, and granted them an equitable satisfaction,

Considering that, acting on the repeated invitations addressed to them by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to ensure the implementation of the Court judgment, the Turkish authorities, in January 2003 passed legislation permitting the retrial of the case of Leyla Zana et al.; the proceedings started on 28 March 2003 before the Ankara State Security Court; since then, seven hearings have taken place, most recently on 15 September 2003; the Court dismissed their application for a suspension of the execution of their prison sentence and their petition to be released on bail; according to trial observer reports, the Court has so far failed to respect the principle of equality of arms between the prosecution and the defence and *"...was neither independent nor impartial"*; the Court refused in particular almost all requests of the defence for defence witnesses to be heard and did not allow the defence to put direct questions to witnesses; moreover, the judge who presided the initial trial in 1994 remains the presiding judge in the retrial and recently commented in open court that *"the deficiencies and mistakes identified by the European Court of Human Rights will not alter the guilt of the accused"*,

Considering that, at the hearing held in Geneva, the President of the Turkish Inter-Parliamentary Group stated that Turkey was rapidly harmonising its laws to comply with European standards; several harmonisation packages were passed to this effect, providing among other things for the suppression of military judges in the State Security Courts; as to the retrial of Ms. Zana and her colleagues, he stated that the Turkish judiciary was independent and that the former deputies concerned enjoyed their right to defend themselves; he was, however, not aware of the trial observer reports critical of the conduct of the proceedings and undertook to relay the matter to the Prime Minister and the Minister of Justice,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for his observations and cooperation;
2. *Notes* that the trial of Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan was finally reopened; is nevertheless alarmed at reports from trial observers suggesting that they may yet again be

subject to an unfair trial and be deprived of their right to present their defence, the very abuse that gave rise to the judgement of the European Court of Human Rights in the first place;

3. *Is shocked* that the Judge who presided the initial proceedings is also presiding over the current proceedings, particularly since he openly stated his conviction of the guilt of the accused; *affirms* that the principle of the presumption of innocence, as an essential element of the right to fair trial, must also apply in retrial proceedings;
4. *Urges* the competent authorities to ensure that the retrial proceedings fully respect all fair trial guarantees and that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak may fully exercise their right to present their defence;
5. *Deeply regrets* the decision of the Court not to grant bail to the four former MPs concerned, who have already spent seven years in prison owing to an unfair judgment; and *considers* that this is completely contrary to the spirit of the recommendations made by the Committee of Ministers and the Parliamentary Assembly;
6. *Reaffirms* that the judgment of the European Court of Human Rights of 17 July 2001 warrants the immediate release of Leyla Zana, Orhan Dogan, Hatip Dicle and Selim Sadak; and *urges* the competent authorities once again to release them forthwith;
7. *Requests* the Secretary General to convey this decision to the Turkish parliamentary and other competent authorities and to the Council of Europe;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.

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

Resolution adopted unanimously by the IPU Governing Council at its 173rd session⁸ ***(Geneva, 3 October 2003)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the outline of the case of Ms. Merve Safa Kavakçi of Turkey, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Taking account of the hearing the Committee held with the President of the Turkish Inter-Parliamentary Group on the occasion of the 109th Assembly,

Recalling that Ms. Kavakçi was elected in the April 1999 elections but prevented from taking her oath owing to her wearing a headscarf at the swearing-in ceremony and from carrying out her parliamentary mandate; she was subsequently deprived of her Turkish nationality, for which reason the parliamentary authorities no longer considered her to be a member of the Turkish Parliament; moreover, on 22 June 2001, the Constitutional Court dissolved the party to which she belonged and banned her from political activity for five years; finally a charge of insulting the State has reportedly been brought against her on account of a statement she made in November 2001 on the Al-Jazeera TV channel; Ms. Kavakçi is

⁸ A paragraph of the operative part and the corresponding text in the preambular part, were deleted at the request of the President of the Turkish Inter-Parliamentary Group, who pointed out that a statement he made during a Committee hearing in Geneva had been misunderstood.

currently living in the United States of America and fears that she would be arrested upon her return to Turkey,

Recalling its concern, as expressed in the resolution adopted in September 2002, that Ms. Kavakçi was not only arbitrarily prevented from assuming her mandate and duties as an elected representative of the Turkish people but might also have been deprived of her membership without any valid legal basis and according to a procedure not provided for under Turkish law,

Considering that, at the hearing with the Committee, the President of the Turkish Inter-Parliamentary Group stated that the Turkish Parliament had taken measures to ensure that there could be no recurrence of such a case,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for his cooperation;
 2. *Wishes to ascertain* whether any charges are still pending against Ms. Kavakçi;
 3. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly.
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ZIMBABWE

CASE N° ZBW/12 - JUSTIN MUTENDADZAMERA	CASE N° ZBW/23 - TRUDY STEVENSON
CASE N° ZBW/13 - FLETCHER DULINI-NCUBE	CASE N° ZBW/24 - EVELYN MASAITI
CASE N° ZBW/14 - DAVID MPALA	CASE N° ZBW/25 - TENDAI BITI
CASE N° ZBW/15 - ABEDNICO BHEBHE	CASE N° ZBW/26 - GABRIEL CHAIBVA
CASE N° ZBW/16 - PETER NYONI	CASE N° ZBW/27 - PAUL MADZORE
CASE N° ZBW/17 - DAVID COLTART	CASE N° ZBW/28 - GILES MUTSEKEWA
CASE N° ZBW/18 - MOSES MZILA NDLOVU	CASE N° ZBW/29 - A. MUPANDAWANA
CASE N° ZBW/19 - ROY BENNET	CASE N° ZBW/30 - GIBSON SIBANDA
CASE N° ZBW/20 - JOB SIKHALA	CASE N° ZBW/31 - MILTON GWETU
CASE N° ZBW/21 - TICHAONA MUNYANYI	CASE N° ZBW/32 - SILAS MANGONO
CASE N° ZBW/22 - PAULINE MPARIWA	CASE N° ZBW/33 - E. MUSHORIWA

*Resolution adopted unanimously by the IPU Governing Council at its 173rd session
(Geneva, 3 October 2003)*

The Governing 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/173/11(b)-R.1), and to the resolution adopted at its 171st session (September 2002),

Having before it the case of Mr. Roy Bennet, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Ms. Pauline Mpariwa, Ms. Trudy Stevenson, Ms. Evelyn Masaiti, Mr. Tendai Biti, Mr. Gabriel Chaibva, Mr. Paul Madzore, Mr. Giles Mutsekewa, Mr. Austin Mupandawana and Mr. Gibson Sibanda, incumbent members of the Parliament of Zimbabwe belonging to the opposition Movement for Democratic Change (MDC), 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 into consideration the observations provided by the Minister of Justice, Legal and Parliamentary Affairs and a member of the opposition at the hearing held on the occasion of the 109th Assembly; taking account also of the memorandum dated 24 September 2003 prepared by the Police General Headquarters and conveyed by the Minister on the occasion,

Recalling that, according to the sources, the MPs concerned, all members of the Movement for Democratic Change (MDC), which holds 57 seats out of the 120 directly elected seats of the Parliament of Zimbabwe, were the victims of attacks without the authorities taking action to identify and prosecute the attackers, arbitrary arrests, ill-treatment and torture, or are being prosecuted, allegedly on fabricated charges,

Considering that, in the police reports of 28 February, 10 March, 20 June and 24 September 2003, apart from providing information on the accusations brought against some of the MPs concerned and the different judicial proceedings under way against some of them, the police authorities state more generally that members of the MDC *"have tried to advance perspectives that they are being victims by the government and Zanu PF supporters"* while in fact they committed offences and engaged in political violence; considering that, according to the opposition MP, the many instances in which courts dropped proceedings brought by police reveal a pattern of harassment,

Considering that, according to the Minister, confrontation between the Government and the MDC arose from a situation where the opposition decided to overthrow the Government; in the past three months, however, discussions have started between the opposition and the government in quest of common ground, and tensions have eased as a result; the MDC had stopped its boycott of national events and recently participated for the first time in a national hero celebration; to his knowledge, no arrests and prosecution of MDC MPs have been registered in the past three months,

Recalling that in September 2002 it requested the Committee to carry out an on-site mission to Zimbabwe; *noting* that the authorities have agreed to the mission but that it has proved impossible so far to find a date convenient for all parties concerned, the Zimbabwe authorities having twice postponed the mission shortly before it was due to leave; *considering* that the Minister reiterated that the mission was welcome as his country had nothing to hide,

1. *Thanks* the Zimbabwean delegation and in particular the Minister of Justice, Legal and Parliamentary Affairs for the information he provided and his cooperation;
2. *Remains concerned* at the many allegations of attacks, harassment, arbitrary arrest and prosecution referred to it regarding more than a third of the opposition MPs;
3. *Regrets* that the proposed on-site mission to Zimbabwe has not yet taken place and therefore *welcomes* the fresh assurance given by the Minister of Justice, Legal and Parliamentary Affairs that the mission is welcome and that there are no obstacles to its taking place shortly;
4. *Earnestly hopes* that it will take place as early as possible, and *requests* the Secretary General to pursue his efforts to organise it at a date convenient to all parties on the basis of the previously agreed programme;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session, to be held on the occasion of the 110th Assembly, in the light of such information as the on-site mission may have gathered.