



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

**99th CONFERENCE  
AND RELATED MEETINGS**

**OF THE**

**INTER-PARLIAMENTARY UNION**

***WINDHOEK (NAMIBIA)***

***2 - 11 APRIL 1998***

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## A. 99th INTER-PARLIAMENTARY CONFERENCE<sup>1</sup>

The 99th Inter-Parliamentary Conference began its work in the Safari Court Conference Centre on the afternoon of 6 April by **electing by acclamation Mr. M.P. Tjitendero, Speaker of the National Assembly of Namibia, as its President.**

On the morning of 7 April, the Conference heard a statement by **Mr. F. Mayor, Director General of UNESCO**, who addressed the subject of « the culture for peace », and on the afternoon of 9 April, the Conference heard a statement by **Mr. T.B. Gurirab, Minister of Foreign Affairs of the Republic of Namibia**, who informed delegates of his country's foreign policy on the major issues on the international agenda, with special reference to Africa.

### 1. INAUGURAL CEREMONY

The 99<sup>th</sup> Inter-Parliamentary Conference was inaugurated at a ceremony held in the Parliament Gardens, in the presence of **H.E. Mr. Sam Nujoma, President of the Republic of Namibia**. During the ceremony, which was opened at 11.30 a.m., the delegates heard statements from Mr. M.P. Tjitendero, in his capacity as Speaker of the National Assembly of Namibia; Sir Kieran Prendergast, Under-Secretary-General for Political Affairs of the United Nations, who delivered the message of the UN Secretary-General, Mr. K. Annan; Mr. M.A. Martínez, President of the Inter-Parliamentary Council; and Mr. K. Nehova, Chairman of the National Council of Namibia. The ceremony concluded with an important speech by H.E. Mr. Sam Nujoma.

Extracts from the speeches delivered on that occasion will be published in the Inter-Parliamentary Bulletin (N° 1, 1998).

### 2. PARTICIPATION

The *Parliaments* of the following 122 countries took part in the work of the Conference<sup>2</sup>: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Senegal, Singapore, 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, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

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<sup>1</sup> The resolutions and reports referred to in this document, as well as general information on the Windhoek session, are available on the IPU's web site at <http://www.ipu.org>.

<sup>2</sup> For the complete list of IPU membership, see Annex I.

The following *Associate Members* also took part in the Conference: the Andean Parliament, the Latin American Parliament and the Parliamentary Assembly of the Council of Europe.

The *observers* included representatives of: (i) Palestine; (ii) The United Nations Organization - United Nations, Joint United Nations Programme on HIV/AIDS, United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP) - as well as the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Fund for Agricultural Development (IFAD), and the United Nations Conference on Trade and Development (UNCTAD); (iii) the Organization of African Unity (OAU), the Arab Inter-Parliamentary Union, the ASEAN Inter-Parliamentary Organization (AIPO), the Baltic Assembly, the Central American Parliament, the International Assembly of French-Speaking Parliamentarians, the Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS), the Inter-Parliamentary Council against Antisemitism; (iv) the Parliamentary Association for Euro-Arab Co-operation (PAEAC) and the Union of African Parliaments (UAP); and (v) the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies.

There was a total of 994 delegates, including 567 parliamentarians and 44 delegates attending as observers.

### 3. SELECTION OF SUPPLEMENTARY ITEMS

#### (a) Supplementary Item

When this question was taken up on the afternoon of 6 April, the Conference had before it **nine requests for the inclusion of a supplementary item**. The Conference first heard statements from the sponsors of the items. During these presentations, three Groups withdrew their requests as follows: the Group of **Australia** withdrew its request for an item entitled « *Conclusion of a treaty on the prohibition of the production of fissile material for nuclear weapons* », the Group of **Kuwait** withdrew its request concerning « *Water: its significance, methods of resource development and maintenance, and the role of parliamentarians in resolving the possible future dispute over water in the 21st century* », asking that the item be placed on the agenda of a future Conference, and the Group of **Iraq** likewise withdrew its request for an item entitled « *The Memorandum of Understanding signed between Iraq and the United Nations upholds regional security and international peace* » in favour of the item proposed by the Group of the Libyan Arab Jamahiriya.

The Conference therefore had before it six requests and proceeded to vote on them by means of a single roll-call with the following results:

- The item proposed by the Group of **Venezuela** concerning « *Foreign debt as a factor limiting the integration of the Third World countries into the process of globalisation* » received 1,037 votes to 191, with 217 abstentions (see details of the vote in Annex II-A);

- The item proposed by the Group of the **Libyan Arab Jamahiriya** on « *The need to lift the air embargo and other measures imposed on the Libyan Arab Jamahiriya* » received 617 votes to 329, with 496 abstentions, failing to obtain the necessary two-thirds majority (see details of the vote in Annex II-B);

- The item proposed by the Group of the **Islamic Republic of Iran** concerning « *Establishment of a nuclear-weapons-free zone in the Middle East* » received 550 votes to 326, with 580 abstentions, failing to obtain the necessary two-thirds majority (see details of the vote in Annex II-C);

- The subject proposed by the Group of **Italy** concerning « *Urgent need to take all necessary political initiatives to promote the ratification of the Convention on the Prohibition of the Development,*

*Production, Stockpiling and Use of Chemical Weapons and on their Destruction, including by the countries which have not yet signed it* » received 977 votes to 144 with 335 abstentions (see details of the vote in Annex II-D).

- The item proposed by the Group of the **Norway** concerning «*Follow-up to the Ottawa process on anti-personnel mines through mobilisation of parliamentarians with a view to securing the universal and early ratification of the Convention, as well as undelayed implementation of its provisions* » received 810 votes to 184, with 457 abstentions (see details of the vote in Annex II-E);

- The item proposed by the Group of the **Germany** concerning «*Political (parliamentary) measures against pollution caused by slash-and-burn farming* » received 459 votes to 400, with 587 abstentions, failing to obtain the necessary two-thirds majority (see details of the vote in Annex II-F);

**The request from the Venezuelan Group having received not only the necessary two-thirds majority but also the highest number of positive votes was added to the agenda** as item 7 (see paragraph 4(d) below).

**(b) Emergency supplementary item**

The Conference had before it a proposal by the Group of **Germany** to add the following emergency supplementary item to its agenda: «*The situation in Kosovo - Measures to ensure a durable and peaceful resolution of the crisis* ». As a result of a roll-call vote, the Conference **decided**, by 697 votes to 113, with 346 abstentions to add this item to the agenda (see details of the vote in Annex II-G) - and see also paragraph 4(e) below).

**4. WORK AND DECISIONS OF THE CONFERENCE AND ITS STUDY COMMITTEES**

**(a) General Debate on the political, economic and social situation in the world**  
(Item 3)

The General Debate on the political, economic and social situation in the world was held throughout Tuesday 7 April, from 4 p.m. to 6 p.m. on Wednesday 8 April and on the morning and afternoon of Thursday 9 April. A total of 140 speakers from 106 delegations took part in the debate.

**(b) The prevention of conflicts and the restoration of peace and trust in countries emerging from war; the return of refugees to their countries of origin, the strengthening of democratic processes and the hastening of reconstruction**  
(Item 4)

This item was considered on 7 and 9 April by the **Ist Committee** (Political Questions, International Security and Disarmament) which met under the chairmanship of its senior Vice-President, Mr. J. Lefevre (Belgium). The Committee had before it **15 memoranda** presented by the National Groups of Australia, Burkina Faso, Canada, Chile, Croatia, Egypt, Estonia, Iraq, Russian Federation, Sudan, The former Yugoslav Republic of Macedonia, Venezuela, as well as by Mr. A. Alasino and Mr. L. Leon, both from Argentina, and the Council of Europe; **three information documents** presented by the UN, UNESCO and UNHCR; and **16 draft resolutions** submitted by the Groups of Australia, Azerbaijan, Canada, Chile, Egypt, France, Germany, Hungary, Indonesia, Kuwait, Russian Federation, Senegal, Sudan, United Kingdom and Venezuela, as well as by Mr. A. Alasino (Argentina).

A total of 71 speakers took part in the debate which was held on 7 April. The discussion culminated in the appointment of a **drafting committee** composed of representatives of the Groups of Argentina, Australia, Canada, Côte d'Ivoire, Croatia, Egypt, Estonia, Islamic Republic of Iran, Kenya, Poland and Sudan. This group, joined by a representative of UNHCR in an advisory capacity, met throughout the day of 8 April and began its deliberations by electing **Mr. B. Cooney (Australia)** as both its **Chairman and Rapporteur**. It focused on the Hungarian and Australian texts as a working

basis but, in putting the draft together, also took elements from six other papers, as well as additional proposals from the floor. The resulting consolidated text was adopted without dissent.

On the morning of 9 April, the Ist Committee, after having heard the report by Mr. Cooney on the work of its drafting committee, proceeded to examine the proposed text paragraph by paragraph. A number of amendments were tabled, which led to a total of 16 votes. Major changes related to the operative section, where five additional paragraphs were added to sub-headings A, B and C. Finally, the draft resolution as a whole was **adopted by 40 votes to 0, with 1 abstention**.

In the afternoon of 10 April, Mr. Cooney submitted this same text to the concluding plenary session of the Conference. The British delegation requested a separate vote on operative paragraph A4. The Conference adopted the paragraph by **986 votes to 147, with 70 abstentions** (see details of the vote in Annex III). The Armenian delegation then tabled an amendment which aimed to introduce a new operative sub-heading B, entitled « Restoration of Peace and Trust », comprising four paragraphs. This proposal was **adopted without a vote**. Thereafter, the draft resolution as a whole was likewise **adopted without a vote** (see text of resolution in Annex IV). Finally, the Chinese, Finnish and Libyan Arab Jamahiriya delegations took the floor to explain their votes, with the first two of these expressing reservations on operative paragraph A5.

(c) **Action to combat HIV/AIDS in view of its devastating human, economic and social impact** (Item 5)

This item was considered on 8 and 10 April by the **IVth Committee** (on Education, Science, Culture and Environment) which met with its President, Mr. J. Trobo (Uruguay), in the chair. The Committee had before it **17 memoranda**, presented by the Groups of Australia, Burkina Faso, Canada, Chile, Egypt, Estonia, Ethiopia, France, Gabon, India, Indonesia, Japan, Sudan, Switzerland, United Kingdom, Venezuela and one individual MP, Mr. C.A. Becerra (Argentina), **one information document** presented by the Joint United Nations Programme on HIV/AIDS, as well as **18 draft resolutions** presented by the Groups of Australia, Canada, Chile, Egypt, France, Germany, Guatemala, India, Indonesia, Kuwait, Namibia, Romania, Russian Federation, Senegal, Sudan, Switzerland, United Kingdom and Venezuela.

A total of 67 speakers from 62 countries took part in the debate which was held throughout 8 April. Thereafter, the Committee appointed a **drafting committee** composed of representatives of the Groups of the following countries: Australia, Brazil, Egypt, Germany, Guatemala, India, Indonesia, Japan, Namibia, Netherlands and Switzerland; the representative of UNAIDS also attended in an advisory capacity. The drafting committee, after electing **Mr. P. Günter (Switzerland)** as its **President** and **Ms. Z. Rios Montt (Guatemala)** as its **Rapporteur**, met throughout 9 April. It used the draft resolution prepared by Guatemala as the basis for its deliberations but also drew extensively on many of the other texts which were before it and took proposals from the floor. The resulting consolidated draft was adopted without a vote.

At its sitting on the morning of 10 April, the IVth Committee considered the text presented by the drafting committee. During the meeting, the Committee dealt with a number of amendments which were put to a vote. Three of them were adopted. The text as amended was then **unanimously adopted**.

On the afternoon of 10 April, Ms. Z. Rios Montt submitted the IVth Committee's draft resolution to the Conference, which **adopted it unanimously** (see text of resolution in Annex V).



(d) **Foreign debt as a factor limiting the integration of the Third World countries into the process of globalisation** (Item 7)

Having decided to add this item to its agenda, the Conference referred it to the **IIIrd Committee** (on Economic and Social Questions). The Committee examined the item on 8 and 10 April under the chairmanship of its President, Mr. H. Gjellerod (Denmark). The Committee had before it **two draft resolutions** submitted, respectively, by the Group of Venezuela and by four individual Venezuelan parliamentarians, Mr. Medina, Mr. Celli, Mr. Perozo and Mr. Vargas.

On the morning of 8 April, the Committee held a debate on the subject, in which altogether 34 speakers from 32 countries participated. At the close of the discussion, it designated a **drafting committee** composed of representatives of the Groups of the following ten countries: Australia, Mexico, Mongolia, Pakistan, Switzerland, Uganda, United Kingdom, Uruguay, Venezuela and Zambia. This committee, joined by a representative of UNCTAD in an advisory capacity, met on the morning of 9 April and started its sitting by electing **Mr. B. Reid (Australia)** as **President** and **Mr. M. Tumubweinee (Uganda)** as its **Rapporteur**. The drafting committee took the Venezuelan draft as a basis for its work and prepared a consolidated text of the draft resolution, on which it was able to agree without a vote.

On the morning of 10 April, the IIIrd Committee, after having heard the report by the Rapporteur on the work of the drafting committee, proceeded to examine the consolidated text paragraph by paragraph. The Committee adopted a number of amendments to the proposed draft, five of which necessitated votes. One amendment was defeated through vote. Thereafter, the draft resolution as a whole was **adopted unanimously**.

Mr. M. Tumubweinee presented the draft text to the Conference for approval at its last plenary sitting on the afternoon of 10 April. The text was then **adopted without a vote** (see text of the resolution in Annex VI), following which the delegation of Japan took the floor to explain its vote and express its opposition to paragraph 1 of the operative part of the resolution.

(e) **The situation in Kosovo - Measures to ensure a lasting and peaceful solution to the crisis** (Item 8)

The Conference having decided on 6 April to add this item to its agenda, referred it to the Ist Committee (on Political Questions, International Security and Disarmament), recommending that the Committee assign the task of negotiating a text to a drafting committee of not more than five members. At its sitting on 7 April, the I<sup>st</sup> Committee appointed a drafting committee composed of representatives of the following National Groups: Australia, Cyprus, Germany, Indonesia and the Russian Federation. A representative of the International Committee of the Red Cross also attended the proceedings as an adviser.

The committee met in the morning of 8 April and at the beginning of its work, elected **Mrs. L. Fischer (Germany)** as its **President** and **Mr. A. Philippou (Cyprus)** as its **Rapporteur**.

After reviewing the prevailing situation in Kosovo, the committee went on to consider two draft resolutions presented by the National Groups of Germany and the Russian Federation. These two drafts served as a working basis for a consolidated text which was enriched with suggestions from members of the committee. At its sitting on 9 April, the Ist Committee **unanimously adopted** the draft resolution submitted by the drafting committee.

In the afternoon of 10 April, Mr. C. Philippou (Cyprus) presented this text to the final plenary sitting of the Conference. The Swiss delegation asked for a separate vote on the eighth preambular paragraph. The Conference **adopted the paragraph by 838 votes to 128, with 202 abstentions** (see details of the vote in Annex VII). The draft resolution as a whole was then **adopted without a vote** (see text of the resolution in Annex VIII).

## B. 162<sup>nd</sup> SESSION OF THE INTER-PARLIAMENTARY COUNCIL

The Inter-Parliamentary Council held its 162<sup>nd</sup> session in the Safari Court Conference Centre in Windhoek on 6 and 11 April 1998 with its President, Mr. M.A. Martinez (Spain), in the chair.

At the start of the first sitting, the President of the Council read out a message from the UN High Commissioner for Human Rights, Mrs. Mary Robinson, who expressed strong support for the work of the Union in the field of human rights, urged Parliaments of countries that had not yet done so to work for the ratification of major international human rights instruments and invited other countries to review any reservations that had been lodged with a view to lifting them.

At the opening of its second sitting, the Council learned with sorrow of the recent death of Mr. Akef El Faiz, former Speaker of the Parliament of Jordan and President of the Jordanian IPU Group, and expressed its condolences and solidarity to his family and to the Jordanian Parliament.

On the same occasion, the Council welcomed with great satisfaction the **agreement on Northern Ireland** reached on 10 April by the Governments of the Republic of Ireland and the United Kingdom. It decided to send a message of congratulations to the Irish and British Prime Ministers for their personal involvement, courage and ability in reaching a peaceful negotiated solution to the conflict.

At the start of its second sitting, the Council heard the three candidates proposed by the Executive Committee for the post of Secretary General of the Union and then held a secret ballot, as a result of which **Mr. A.B. Johnsson was appointed Secretary General of the Union** for a four year period (1 July 1998 - 30 June 2002). (See details of the election in Section E.8).

The Council also **decided** that the retiring Secretary General, Mr. P. Cornillon, would be invited to the 100<sup>th</sup> Conference in Moscow next September when the Union would have an opportunity to say farewell to him in a solemn fashion.

### 1. AGENDA

At the start of its work on the morning of 6 April, the Council first **adopted the agenda** proposed by the Executive Committee at its 225<sup>th</sup> and 226<sup>th</sup> sessions. At the opening of its second sitting on 11 April, it had before it a request from the Canadian Group for the **inclusion of a supplementary item in the agenda concerning « Follow-up to the resolution entitled *Respect for International Humanitarian Law and the Banning of Anti-personnel Mines, adopted by the IPU Council at its 161<sup>st</sup> session held in Cairo in September 1997* »**. After Mrs. S. Finestone (Canada) presented the request, on which the Executive Committee had expressed a unanimously favourable opinion, the Council likewise unanimously **decided to add the subject to its agenda** (see paragraph 6 below).

### 2. MEMBERSHIP OF THE UNION

At its first sitting, the Council took note that there were no formal requests for affiliation but that two Groups, those of **Central African Republic** and **Mauritania**, were liable to suspension of their affiliation under the provisions of Article 4.2 of the Statutes and had been given a final warning by the Executive Committee that their membership of the Union would cease at the time of the 163<sup>rd</sup> session of the Council (September 1998) unless steps were taken in the meanwhile to regularise the situation. It was also informed that the Executive Committee had considered the situation of the Group of **Congo**. The Committee had deplored the violent events and loss of life last year in that country and had taken note of the creation of a multi-party National Council of Transition which had emerged from a National Forum of Reconciliation; it heard the representatives of this Council and expressed the hope that all efforts will be made in the country for the drafting of a Constitution to be put

to a popular referendum and that the National Council of Transition can soon be replaced by an elected legislature.

At its second sitting, the Council heard the report of the Committee on the Question of the Affiliation of **Palestine**, presented by its President, Mr. R. Halverson (Australia), and **approved** his recommendation that discussion of the question be deferred to the 163<sup>rd</sup> session when it will be taken up at the first sitting of the Council.

The Union therefore continues to comprise **137 member Parliaments** and **three international parliamentary assemblies as associate members** (see list in Annex I).

### 3. ACTIVITY REPORTS

#### *(a) Reports by the President*

At its first sitting, the Council **heard** the report of its President on his activities and contacts since the last session. The President informed the members of his meetings with senior officials of the organisations of the UN system to whom he had stressed the **need for inter-State organisations to include a parliamentary dimension**.

At both of its sittings, the Council **took note** of the President's report on the activities of the Executive Committee in the context of its 226<sup>th</sup> session in Windhoek (see Section C).

#### *(b) Interim report by the Secretary General*

At its first sitting, the Council had before it the written interim report of the Secretary General on the activities of the Union and the meetings and composition of its various bodies since the last session of the Council. After hearing a presentation by the Secretary General, the Council **took note** of the report.

### 4. CO-OPERATION WITH THE UNITED NATIONS SYSTEM

At its second sitting, the Council heard a report by the Secretary General on recent developments in co-operation between the Union and the organisations of the UN system, particularly as regards activities carried out under the Agreements of Co-operation with the UN, UNESCO and FAO. The Council **approved** the project for IPU-UNESCO co-operation to develop **Internet sites for Parliaments of developing countries**, particularly in Africa, as well as several meetings organised by UNESCO and the FAO with IPU support which are summarised in paragraph 15 below.

On the proposal of the Executive Committee, the Council **approved** the holding of a **Conference of Speakers** at the UN in New York in the year 2000 which would provide an opportunity for the solemn re-foundation of the IPU for the 21st century; it took note that every effort must be made to mobilise Speakers of Parliaments and Ministries of Foreign Affairs in support of this project.

The Council also authorised the Secretariat to start making preparations for a second **tri-partite meeting of MPs, government representatives and representatives of international organisations** in 1999 to promote the follow-up to the Social Development Summit held in Copenhagen in 1995. Furthermore, on the recommendation of the Meeting of Women MPs, the Council took a series of decisions concerning **parliamentary action for national follow-up to international agreements and treaties regarding women** (see Annex IX).

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

At its second sitting, the Council was informed of recent negotiations carried out by its President and the Secretary General with the Swiss authorities concerning the possible construction of premises for the Union in Geneva to be called « The House of Parliaments » (see Annex X). After a short debate and with abstentions from the delegations of Canada, Germany and Japan, the Council decided to (i) **encourage** the Secretary General to pursue speedy negotiations with the competent Swiss authorities and obtain the best possible conditions, (ii) **request** its President and the Secretary General to contact the Swiss Parliament and the highest authorities of the host country in order to hasten implementation of the project and (iii) **urge** the Swiss National Group to do everything in its power to ensure that the project is carried out in the best conditions. The Council took note that the Executive Committee hoped to be able to present a positive report in Moscow next September when it will carefully review developments relating to this important project.

## 6. PARLIAMENTARY ACTION IN SUPPORT OF THE OTTAWA CONVENTION ON ANTI-PERSONNEL MINES

Having decided to add this supplementary item to its agenda, the Council heard a presentation by Mrs. S. Finestone (Canada) and then **adopted without a vote** the draft resolution proposed by the Canadian Group (see text in Annex XI).

## 7. SUSTAINABLE DEVELOPMENT

At its first sitting, the Council heard the report of the Union's Committee for Sustainable Development, presented by Mr. A.S. Akhmetov (Kazakhstan). The Council **approved** the Committee's report and **adopted** a declaration on declining official development assistance and financial aid in general (see Annex XII). The Council also **endorsed** the Committee's recommendation that it henceforth be considered as a permanent Committee composed of seven titular and seven alternate members and **decided** that elections to fill the vacant posts would be held on the occasion of the 100<sup>th</sup> Conference in Moscow.

## 8. HUMAN RIGHTS OF PARLIAMENTARIANS

On 11 April, Mr. C. Holding (Australia), President of the Committee on the Human Rights of Parliamentarians, reported to the Council on the work carried out by the Committee at its 80<sup>th</sup> and 81<sup>st</sup> session which took place respectively in Geneva from 13 to 16 January 1998 and in Windhoek from 5 to 10 April 1998 (see Section D.3).

The Council then **adopted without a vote resolutions concerning 188 serving or former MPs in the following 16 countries: Argentina, Burundi, Cambodia, Chad, Colombia, Djibouti, Democratic Republic of Congo, Equatorial Guinea, Gambia, Honduras, Indonesia, Malaysia, Myanmar, Nigeria, Togo and Turkey** (see Annexes XIX to XXXIX). The Council **decided** that the Committee is to carry out an on-site mission to Indonesia and Malaysia, the necessary funds to be drawn from the Working Capital Fund. The presentation of the Committee's report on the cases of Turkey and Indonesia gave rise to comments from the delegations concerned which expressed reservations on the corresponding resolutions, the latter, however, stating that it would favourably relay the Council's decision regarding the on-site mission to the competent authorities.

## 9. ACTIVITIES OF WOMEN PARLIAMENTARIANS

On 11 April, the Council heard the report presented by Mrs. P. Shoombé (Namibia) on the work of the Meeting of Women Parliamentarians which she had chaired on 5 and 10 April 1998 (see Section D.1). The Council **took note** of the report. It also **took note** of the new composition of the Coordinating Committee of Women Parliamentarians (see Section E.6), and the re-election of Mrs. F. Kéfi

(Tunisia) as President of the Committee and the election of Mrs. S. Finestone (Canada) and Mrs. N. Routledge (South Africa) as First and Second Vice-Presidents, respectively.

## **10. SECURITY AND CO-OPERATION IN THE MEDITERRANEAN**

At its second sitting, the Council heard the report on the work of the XIIth Meeting of the Representatives of the Parties to the CSCM Process, presented by Mr. M.H. Khelil (Tunisia), President and Rapporteur of the CSCM Co-ordinating Committee (see Section D.2). The Council **took note** of the report. It **took note** of the arrangements for the Second Thematic Preparatory Meeting of the III<sup>rd</sup> CSCM, which will take place on 25 and 26 June 1998 in Evora (Portugal) on the topic: « Facilitating access to information and cultural exchanges in the Mediterranean ». It also **accepted** with gratitude the invitation from the Parliament of Slovenia which wishes to host the Third Thematic Preparatory Meeting in March 1999 in Ljubljana.

## **11. SITUATION IN CYPRUS**

At its second sitting, the Council considered the report of the Committee to Monitor the Situation in Cyprus, which was presented by Mr. H. Kemppainen (Finland), President and Rapporteur of the Committee. It **endorsed** the Committee's report (see Section D.4 and Annex XVIII).

## **12. MIDDLE EAST QUESTIONS**

At its sitting on 11 April 1998, the Council had before it the report of the Committee on Middle East Questions, presented by Mr. M.A. Abdellah (Egypt), Rapporteur. The Council **endorsed** without a vote the report of the Committee (see Section D.5).

## **13. RESULTS OF THE CONFERENCE ON « CONTRIBUTION OF PARLIAMENTS TO DEMOCRACY IN AFRICA » (Harare, 1 and 2 April 1998)**

On 11 April, the Council heard a report on this Conference, presented by Mr. E. Ndebele (Zimbabwe). The Conference was organised by the Union of African Parliaments (UAP), with the sponsorship of the IPU, and brought together MPs from 21 African Parliaments and observers from five international organisations. The Council **took note** of the Conclusions and Recommendations of the Conference concerning the role of Parliament in promoting the process of democratisation and the « Harare Declaration of the Union of African Parliaments » on the revitalisation of the UAP (see texts in Annex XIII).

## **14. FINANCIAL RESULTS FOR 1997**

At its second sitting, the Council had before it the financial results of the Union for 1997 and the report of the External Auditor. It heard an oral report by its own Auditor, Mr. M. Tumubweinee (Uganda) and **approved** the Union's accounts for 1997 and the Secretary General's financial administration for that year.

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

At its second sitting, the Council **approved** the Executive Committee's recommendations concerning the **agenda of the 100<sup>th</sup> Conference** which will be held in Moscow (Russian Federation) from 6 to 12 September 1998 (see Annex XIV), as well as the list of **observers** to be invited to that meeting (see Annex XV).

The Council took note of the **calendar of future meetings** (see Annex XV) and **accepted with gratitude** the invitation of the **Jordanian Group** to host the 103<sup>rd</sup> Conference in Amman in April/May 2000.

Moreover, on the proposal of the Executive Committee, the Council (i) approved the final arrangements for the joint IPU/FAO Conference on « Attaining the World Food Summit's objectives through a sustainable development strategy » to be held in Rome from 29 November to 2 December 1998; (ii) **decided** that the IPU would provide support to a Conference to be organised by UNESCO in Paris (French National Assembly and UNESCO Headquarters) from 7 to 9 December 1998 to mark the 50th anniversary of the adoption of the Universal Declaration of Human Rights; (iii) **granted the Union's** sponsorship to an Asia-Pacific Conference of parliamentarians and media representatives to discuss partnership between them in promoting a culture of peace, organised by UNESCO and hosted by the Thai Parliament in Bangkok in late October 1998; (iv) **accepted** the invitation of the Group of Slovenia to host the 3rd Thematic Preparatory Meeting for the IIIrd CSCM in Ljubljana in March 1999; (v) **approved** the holding of a joint IPU/UNESCO Conference on the theme « Perspectives on Democracy: Do Women make a Difference? », to be held at UNESCO Headquarters from 2 to 4 December 1999; (vi) **approved** the holding of a joint IPU/UN meeting on the occasion of the Special Session of the UN General Assembly in June 2000 to review and appraise the implementation of the Beijing Platform for Action.

## 16. AMENDMENTS TO THE STATUTES AND RULES OF THE UNION

At its second sitting, the Council had before it the proposal of the Egyptian Group, supported by those of Argentina and Mexico, to amend Article 20.2 of the Statutes in order to introduce the principle of **rotation of the post of President of the Inter-Parliamentary Council among the geo-political groups**. It also had before it a sub-amendment by the Indian Group to replace the notion of geo-political groups by « geographical regions ». In the absence of the Indian delegation when the item was taken up, the Council **decided to recommend that the Conference adopt** the amendment proposed by the Egyptian Group (see text in Annex XVII); this matter will accordingly be placed on the agenda of the 100<sup>th</sup> Inter-Parliamentary Conference for decision.

The Council also **decided**, on the proposal of the Executive Committee, to amend Rule 5 of the Union's Financial Regulations by changing paragraph 9 and introducing a new paragraph 10 (see text in Annex XVII). These new provisions stipulate (i) that **arrears owed by a National Groups whose affiliation is suspended because the Parliament of the country in question has ceased to function are written off** and (ii) that a **Group suspended for failing to meet its financial obligations towards the Union shall remain accountable for such arrears**.

The Council was also informed that the Executive Committee has (i) decided to open the procedure for amending the Statutes in order to introduce a new Article 22 which will **codify the existence of the Meeting of Women Parliamentarians** and its **Co-ordinating Committee**, and (ii) decided to propose the addition of a new paragraph 8 to Rule 3 of the Union's Financial Regulations to cover a situation in which the Council **rejects the draft budget proposed by the Executive Committee** (see texts in Annex XVII).

### C. 226th SESSION OF THE EXECUTIVE COMMITTEE

The Executive Committee held its 226th session in the Safari Court Conference Centre in Windhoek on 2, 3, 4 and 9 April with the President of the Inter-Parliamentary Council, Mr. M.A. Martínez (Spain), in the chair.

The following members and substitutes took part in the work of the session: Mrs. H.K. Chung (Republic of Korea), replaced on 9 April by Mr. J. Chung, substituting for Mr. C.S. Park; Mr. G. Haarde (Iceland), replaced on 9 April by Mr. E. Gudfinnsson; Mrs. B. Imiolczyk (Poland), replaced on 2-4 April by Mr. K. Kaminski, substituting for Mr. J. Wiatr; Mrs. K. Kilvet (Estonia), replaced on 2-4 April by Mrs. T. Märja; Mr. S.M. Krishna (India), substituting for Mrs. N. Heptulla; Mr. E. Menem (Argentina), replaced on 9 April by Mr. L. Rubeo; Mr. D. Novelli (Italy); Mr. M. Sata (Zambia); Mr. M. Traoré (Burkina Faso), replaced on 9 April by Mrs. M.M. Ouedraogo; Mr. F. Tuaimah (Jordan), substituting for Mrs. T. Faisal; Mrs. T. Yariguina (Russian Federation).

The Executive Committee devoted the entire day of 4 April to **hearing the five short-listed candidates for the post of Secretary General**: Mr. C. DesRosiers (Canada), Clerk of the Legislative Assembly of Ontario; Dr. K. Graham (New Zealand), Director of Planning and Co-ordination, International Institute for Democracy and Electoral Assistance, Stockholm; Mr. A.B. Johnsson (Sweden), Deputy Secretary General of the Inter-Parliamentary Union; Mr. R.J. Rogers (United Kingdom), Principal Clerk, Clerk (Director) of Delegated Legislation, House of Commons, London; and Mr. E.A. Voss (Germany), Director of the Parliamentary Relations Directorate of the German Bundestag, Bonn. After hearing each candidate separately, the Executive Committee discussed the recommendation to be made to the Council. Having agreed to present three candidates in order of priority, it decided by a vote **to propose to the Council the candidatures of Mr. A.B. Johnsson, Dr. K. Graham and Mr. C. DesRosiers** (see Section E.7).

The Executive Committee devoted much of its time at the other sittings to formulating opinions and recommendations to the Inter-Parliamentary Council regarding items on the latter's agenda. In addition, the other matters considered by Executive Committee may be summarised as follows:

- The Committee looked into the possible introduction of **programme-based accounting** and felt that the Secretariat should keep to the present structure for the budget as such, but also present in parallel a programme-based synopsis for reference.

- It studied information provided to it on rather drastic changes in the UN scale of assessments, on which the Union's scale is modelled. It realised that **adapting the Union's scale of assessments** to the new UN scale would have very far-reaching consequences and therefore entrusted a small group to look into this matter and report to it in the future.

- The Committee heard the annual report on the **activities carried out by the IPU's Programme for the Study and Promotion of Representative Institutions**. It was pleased to note that this programme is expanding and, in particular, providing valuable technical advice and assistance to a growing number of Parliaments, and that the carrying out of these activities is receiving considerable financing from external sources. It also authorised the Secretary General to pursue discussions with donors in Norway and Sweden with a view to establishing a new post in the Secretariat for a three-year period devoted to technical co-operation activities and human rights, to be funded equally by the Norwegian and Swedish donors and by the IPU itself, on the understanding that at the end of that period an evaluation would take place and, should the continued need for the post be confirmed, the IPU would absorb its cost in the annual budget.

- It advanced its work on the **codification of observer status at IPU** and expects to finalise the study of this question at its session in Moscow next September when it hopes to be in a position to submit precise proposals to the Council.

- It prepared the **draft agenda of the 163rd session of the Council** which will be held in Moscow on 7 and 12 September 1998.

Lastly, it decided on **representation of the Union** at meetings of a number of international organisations in the coming months.



## D. MEETINGS OF VARIOUS BODIES AND COMMITTEES

### 1. WOMEN PARLIAMENTARIANS

The women parliamentarians met **under the presidency of Mrs. P. Shoombe, Member of the National Assembly of Namibia**, on Sunday 5 April and again on Friday 10 April.

The meeting on 5 April was preceded by a session of the outgoing **Co-ordinating Committee of Women Parliamentarians**. After the election of the Committee's new regional representatives, on 10 April, this body met again to elect new Committee Officers (see Section E.6), to take stock of the Windhoek Meetings with regard to women and to prepare the following session, due to take place in Moscow on 6 September 1998.

The Meeting of Women Parliamentarians was opened on 5 April at a ceremony during which the following took the floor: Mrs. N.-N. Ndaitwah, Director General of the Women's Department in the Office of the President of the Republic of Namibia, Mr. M.A. Martínez, President of the Inter-Parliamentary Council, Mrs. P. Shoombe and Mrs. F. Kéfi (Tunisia). Some 120 women MPs from the delegations of the following 63 countries participated; Algeria, Angola, Armenia, Australia, Austria, Bangladesh, Belarus, Belgium, Botswana, Burkina Faso, Cameroon, Canada, China, Congo, Côte d'Ivoire, Croatia, Czech Republic, Egypt, Estonia, Ethiopia, Gabon, Germany, Ghana, Guatemala, Guinea, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kazakhstan, Kenya, Lithuania, Malaysia, Mali, Mauritania, Mexico, Mozambique, Namibia, Netherlands, Niger, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Rwanda, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Uruguay, and Zimbabwe. Observers from the ILO, UNESCO and UNCTAD also attended.

The participants continued the debate which they had begun in September 1997 in Cairo on « **Women's contribution to the democratic process: Women's access to Parliament and impact of their participation on parliamentary proceedings and outcome** ». In this connection, they had before them a draft questionnaire to collect written interviews from women MPs worldwide on their personal experiences; consultations were held on this document during the week, and the final version is to be distributed in June. The survey is designed to evaluate women's contribution to the democratic process. The women MPs also had before them a proposal for a joint IPU-UNESCO meeting on « **Perspectives on Democracy: Do Women Make a Difference?** », to be held from 2-4 December 1999 in Paris. This event is designed to enable men and women members of national parliaments and governments, meeting in equal numbers, to analyse the survey results with representatives of the media and representatives of various other sectors of society (political analysts, sociologists, historians, philosophers, political and electoral polling specialists, etc.). This idea was subsequently taken up by the Inter-Parliamentary Council, which included it in the Union's calendar of future meetings (see Section B.15).

The participants then discussed the topic « **Women in the economic informal sector and their access to micro-credits** ». In support of their work, they had before them a substantive document prepared by the International Labour Office, and the debate was launched by a representative of that body.

The participants examined the **means of supporting UN action** with regard to the national application of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and also the follow-up of the recommendations of the Declaration and Platform of Action adopted in Beijing in September 1995 by the Fourth World Conference on Women. With regard to the CEDAW, they agreed in particular to see to it that their governments submit the national reports they are obliged to present to the Committee responsible for examining the implementation of the CEDAW. With regard to the national follow-up of the recommendations of the Beijing Conference,

they recommended various arrangements for associating the Inter-Parliamentary Union with the evaluation process undertaken by the United Nations, including the holding, in June 2000 of a meeting of representatives of parliaments and governments on the occasion of the Special Session of the General Assembly devoted to that question. The Council endorsed their recommendations in this connection: see Section B.4.

The participants further expressed their unanimous support for the recommendation by the Executive Committee to include the Meeting of Women Parliamentarians and its Co-ordinating Committee in the **Union's Statutes**. They decided to prepare additional proposals to amend the Statutes which will be submitted to the Inter-Parliamentary Council and Conference in September 1998 in Moscow. Moreover, the participants agreed that in every IPU member Parliament, one woman MP should act as a focal point to relay to all other women MPs, whatever their party and even if they belong to the other Chamber, the Union's decisions and recommendations with regard to women and partnership between men and women in politics.

At their sitting on 10 April, the participants heard the three **candidates for the post of Secretary General of the Inter-Parliamentary Union**.

At that same sitting, Mrs. S. Walker, Co-coordinator of the **International Campaign Against Landmines** (winner of the Nobel Peace Prize), took the floor, appealing to Parliaments to ensure the earliest possible signature, ratification and entry into force of the Convention to ban landmines, adopted in Ottawa in December 1997.

Lastly, the participants observed a minute of silence in memory of Mrs. Bella Abzug, a former United States Congresswoman and one of the leaders of the feminist movement, who passed away in early April.

## 2. REPRESENTATIVES OF THE PARTIES TO THE CSCM PROCESS

The representatives of the parties to the Inter-Parliamentary Process of Security and Co-operation in the Mediterranean (CSCM)\* held their XII<sup>th</sup> Meeting on Wednesday 8 April, under the Presidency of Mr. J.R. Almeida (Portugal). The following took part in the session:

- Representatives of the following main participants: Albania, Algeria, Croatia, Cyprus, Greece, Israel, Libyan Arab Jamahiriya, Malta, Morocco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey and Yugoslavia;
- Representatives of the following associate participants: Palestine, United Kingdom, Arab Inter-Parliamentary Union and the Parliamentary Assembly of the Council of Europe.

The session was preceded by a meeting of the CSCM Co-ordinating Committee, chaired by Mr. M.H. Khelil (Tunisia) and attended by representatives of all of its members: Egypt, France, Italy, Malta, Morocco, Slovenia, Spain, Syrian Arab Republic and Tunisia.

The participants discussed the current status and prospects of security and co-operation in the Mediterranean. Having in mind the Union's plan to develop a new synergy with the United Nations, they agreed to ensure that their governments contribute, in 1998, to the consideration of the agenda item

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\* Parties to the CSCM process:

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

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

of the United Nations General Assembly concerning the Mediterranean, and refer to the Inter-Parliamentary CSCM process in such contributions. They also accepted a recommendation of the Parliamentary Assembly of the Council of Europe that joint activities be organised with the Inter-Parliamentary Union, which « would make it possible to turn to advantage the complementary nature of the activity of both parliamentary bodies ».

The participants agreed to take the necessary steps to ensure that their respective parliaments take formal note of the Final Documents of the two Inter-Parliamentary Conferences on Security and Co-operation in the Mediterranean and endorse the conclusions and recommendations of the CSCM in the most appropriate manner. They also expressed the wish that a staff member of the Inter-Parliamentary Union be responsible for providing the CSCM political process with the necessary administrative support on a full-time basis. They agreed that an appeal should be addressed to all Parliaments parties to the process in order to obtain funding for a full-time post.

In 1996, the Inter-Parliamentary Council placed on the Union's programme the III<sup>rd</sup> CSCM, to be held in Tunis in early 1999. In view of the current situation in the Mediterranean, however, the participants expressed the wish to have the III<sup>rd</sup> CSCM postponed towards the end of that year. To prepare for the III<sup>rd</sup> CSCM, the Council also placed on the programme the holding, at minimal cost, of thematic meetings to last two days each. The first such meeting has already been held in Monte Carlo (Monaco) on 3 and 4 July 1997 and the second meeting is scheduled for 25 and 26 June 1998 in Évora (Portugal) on « Facilitating access to information and cultural exchanges in the Mediterranean ». The parties to the process recommended that the Council place on the programme and budget for 1999 the holding, in Slovenia, of the third preparatory meeting of the III<sup>rd</sup> CSCM: see Section B.15.

### 3. COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

The Committee held its 81<sup>st</sup> session from 5 to 10 April 1998 in Windhoek. The session was chaired by Mr. C. Holding (Australia) and attended by titular members Mr. F. Autain (France), Mr. H. Batalla (Uruguay), Mr. F. Borel (Switzerland) and Mr. H. Etong (Cameroon).

The Committee held eight *in camera* meetings during which it studied 45 cases concerning over 200 serving or former parliamentarians in 32 countries of all regions of the world. Taking advantage of the presence in Windhoek of delegations from several of the countries concerned, the Committee, in keeping with its constant practice, conducted 11 *in camera* hearings. In addition, the Committee asked its members individually to seek information from other delegations attending the Conference, regarding several cases before it.

After a thorough study of the allegations and information before it, the Committee first declared one case inadmissible and, in three other cases, decided to postpone the decision on their admissibility pending receipt of further information. It decided **to submit to the Council a report and recommendations concerning the cases of 188 serving or former members of Parliament** in the following **16 countries**: Argentina, Burundi, Cambodia, Chad, Colombia, Djibouti, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Indonesia, Malaysia, Myanmar, Nigeria, Togo and Turkey (see also Section B.8 and Annexes XIX to XXXIX).

Moreover, the Committee continued the discussion it had begun at its previous two sessions regarding IPU activities in connection with the 50th anniversary of the Universal Declaration of Human Rights to be celebrated in December 1998. It was informed of follow-up action to the resolution on that anniversary which the Inter-Parliamentary Council - on its initiative - had adopted at the time of the 98<sup>th</sup> Inter-Parliamentary Conference in Cairo (September 1997).

#### 4. COMMITTEE TO MONITOR THE SITUATION IN CYPRUS

The Committee held its XIV<sup>th</sup> session in Windhoek from 7 to 9 April 1998, with all of its members in attendance: Mr. H. Kemppainen (Finland), President, Mr. J. Baumel (France), Vice-President, Mrs. Y. Loza (Egypt), Sir Peter Lloyd (United Kingdom), Mr. L. McLeay (Australia), and Mr. S. Pattison (Ireland). The Committee **studied developments in the situation in and regarding Cyprus since September 1997**, the date of its last report on the matter to the Inter-Parliamentary Council. To this end, it examined information received in writing and heard representatives of the two Cypriot communities and the three Guarantor Powers. On 11 April 1998, the Committee laid before the Inter-Parliamentary Council a substantive report, accompanied by recommendations, which were endorsed by the latter (see Section B.11 and Annex XVIII).

#### 5. COMMITTEE ON MIDDLE EAST QUESTIONS

The Committee held its XXII<sup>nd</sup> session in Windhoek on 8 April 1998 under the acting chairmanship of Mr. J. Baumel (France), replacing Mr. D. Sow (Senegal) who was not able to attend the Conference. Mr. M.A. Abdellah (Egypt) and Mr. C.E. Ndebele (Zimbabwe) as well as Ms. O.A. Starrfelt (Norway), elected by the Council to replace Mr. M.A. Martínez (Spain), were present. Mr. A. Galanos (Cyprus) was absent.

The Committee heard consecutively representatives of the Israeli Group and those of the Arab (Egypt and Palestine) Groups. After further discussion the Committee concluded that the situation in the Middle East had deteriorated dangerously more than at any time in the past; members of the Committee were shocked and saddened by what appeared to be an ever-widening gap between the positions of the two parties in the Middle East conflict. The Committee expressed deep concern about the non-implementation of signed agreements and called on the Government of Israel to put the peace process back on track.

The Committee also called for collective and individual influence to be brought to bear on both parties to resume in earnest the implementation of the signed agreements and to put an end to any unilateral action which might undermine the future of peace. The members of the Committee called in particular on Israel to put an end to the construction of new settlements and the expansion of existing ones in the occupied territories.

## E. ELECTIONS AND APPOINTMENTS

### 1. PRESIDENT OF THE 99<sup>th</sup> INTER-PARLIAMENTARY CONFERENCE

The 99<sup>th</sup> Conference elected **Mr. M.P. Tjitendero**, Speaker of National Assembly of Namibia, as its President.

### 2. EXECUTIVE COMMITTEE

The Council was required to elect three members to replace, until the expiry of their respective terms of office, Mr. G. Carvajal (Mexico), Mrs. T. Faisal (Jordan) and Mr. J. Wiatr (Poland) who are no longer members of their Parliaments.. At its second sitting, the Council **elected the following members by acclamation: Mr. F. Solana (Mexico)** to serve until September 2000, **Mr. F.S. Tuaimh (Jordan)** to serve until September 2000, and **Mrs. B. Imiolczyk (Poland)** to serve until April 2000.

### 3. STUDY COMMITTEES OF THE CONFERENCE

#### *I<sup>st</sup> Committee (on Political Questions, International Security and Disarmament)*

At its meeting on 9 April, the Ist Committee **elected the following officers by acclamation:**

<b>President:</b>	<b>Mr. A.R. Zamharir (Indonesia)</b>
<b>Vice-Presidents:</b>	<b>Mr. J. Lefevre (Belgium)</b>
	<b>Mrs. M. Clarke-Kwesie (Ghana)</b>

#### *IV<sup>th</sup> Committee (on Education, Science, Culture and Environment)*

At its meeting on 10 April, the IVth Committee **re-elected the following officers by acclamation:**

<b>President:</b>	<b>Mr. J. Trobo (Uruguay)</b>
<b>Vice-Presidents:</b>	<b>Mrs. M. Chidzonga (Zimbabwe)</b>
	<b>Mrs. S. Finestone (Canada)</b>

### 4. COMMITTEE ON MIDDLE EAST QUESTIONS

At its sitting on 6 April 1998, the Council **elected** Ms. O.A. Starrfelt (Norway) to replace Mr. Mr. M.A. Martínez as a member of the Committee. At its second sitting on 11 April 1998, the Council **elected** Mr. A. Philippou (Cyprus) as member of the Committee, replacing Mr. A. Galanos (Cyprus).

### 5. GENDER PARTNERSHIP GROUP

As the result of a decision taken by the Executive Committee at its sitting on 9 April, the Gender Partnership Group is composed as follows: **Mrs. N. Heptulla (India)**, **Mrs. K. Kilvet (Estonia)**, **Mr. F. Solana (Mexico)** and **Mr. M. Traoré (Burkina Faso)**.

## 6. CO-ORDINATING COMMITTEE OF WOMEN PARLIAMENTARIANS

Pursuant to the elections held on 10 April 1998, the composition of the Co-ordinating Committee is as follows :

### President:

Ms F. Kéfi (Tunisia)

### First Vice-President:

Ms S. Finestone (Canada)

### Second Vice-President:

Ms N. Routledge (South Africa)

### Members :

### Term of mandate :

#### Members of the Executive Committee (ex-officio):

Ms N.A. Heptulla (India)	September 1999
Ms K. Kilvet (Estonia)	September 2001
Ms T.V. Yariguina (Russian Federation)	September 2001
Ms B. Imiolczyk (Poland)	April 2000

#### Chairpersons of the Meeting of Women Parliamentarians (ex-officio):

Ms Chen Muhua (China)	September 1998
Ms Kwon Young-Ja (Republic of Korea)	April 1999
Ms Y. Loza (Egypt)	September 1999
Ms P. Shoombe (Namibia)	April 2000

#### Regional representatives (elected)

##### *Africa:*

Ms N. Routledge (South Africa)	April 2000
Ms A. Sangare (Côte d'Ivoire)	id.

##### *Arab Countries:*

Ms F. Kéfi (Tunisia)	id.
Ms N. Bilal (Sudan)	id.

##### *Asia and the Pacific:*

Ms S. Masdit (Thailand)	id.
Ms Ilani Isahak (Malaysia)	id.

##### *Central and Eastern Europe:*

Ms Z. Busic (Croatia)	id.
Ms R. Kuanyshbaeva (Khazakhstan)	id.

##### *Latin America:*

Ms M. Chavez Cossio de Ocampo (Peru)	id.
Ms Z. Rios Montt (Guatemala)	id.

##### *Twelve Plus:*

Ms S. Finestone (Canada)	id.
Ms M. Croz Rodriguez (Spain)	id.

## 7. SECRETARY GENERAL OF THE UNION

At its sitting on 11 April, the Council heard a brief presentation by the following three candidates for the post of Secretary General of the Union proposed by the Executive Committee: **Dr. K. Graham (New Zealand)**, Director of Planning and Co-ordination of the International Institute for Democracy and Electoral Assistance, Stockholm; **Mr. C. DesRosiers (Canada)**, Clerk of the Legislative Assembly of Ontario; and **Mr. A.B. Johnsson (Sweden)**, Deputy Secretary General of the Inter-Parliamentary Union. A vote was held by secret ballot, with the following results:

Total number of ballots	:	170
Blank or void ballots	:	1
Valid ballots:	:	169
Absolute majority	:	85

Votes obtained:		
Mr. A.B. Johnsson	:	130
Dr. K. Graham	:	28
Mr. C. DesRosiers	:	11

**Mr. A.B. Johnsson was accordingly appointed Secretary General of the Inter-Parliamentary Union for a period of four years (1 July 1998 to 30 June 2002).**

**MEMBERSHIP OF THE UNION  
AS OF 11 APRIL 1998**

**Members (137)**

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

**Associate Members**

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



**VOTE ON REQUESTS FOR INCLUSION OF SUPPLEMENTARY ITEMS  
IN THE CONFERENCE AGENDA**

*A single roll-call vote was held on 6 April to choose the supplementary item from among the six requests remaining on the list of proposals by the time the actual vote was called. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables below.*

**VOTE ON THE REQUEST OF THE GROUP OF VENEZUELA**

for the inclusion of a supplementary item entitled

**"Foreign debt as a factor limiting the integration of the Third World countries into the process of globalisation"**

**R e s u l t s**

Affirmative votes..... 1037      Total of affirmative and negative votes... 1228  
 Negative votes..... 191      Two-thirds majority ..... 819  
 Abstentions..... 217

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	8	3		Greece	13			Panama	11		
Algeria	14			Guatemala	12			Peru	14		
Angola	12			Guinea		absent		Philippines	18		
Argentina	15			Hungary	10			Poland		15	
Armenia	7	4		Iceland			10	Portugal	6		6
Australia			13	India	10			Rep. of Korea	8	8	
Austria	12			Indonesia	22			Rep. of Moldova			absent
Azerbaijan			12	Iran (Islam.Rep.of)			17	Romania	3	4	7
Bangladesh	20			Ireland	11			Russian Federation	10		10
Belarus	7	6		Israel	12			Rwanda	12		
Belgium	8	4		Italy	8	9		San Marino	10		
Benin	6	5		Japan			20	Singapore	11		
Botswana	11			Jordan	7		4	Slovenia	7	4	
Brazil	20			Kazakhstan	13			South Africa	16		
Bulgaria	8	4		Kenya	14			Spain	8		
Burkina Faso	8	4		Kuwait			11	Sri Lanka	13		
Cambodia	13			Kyrgyzstan	6		5	Sudan		14	
Cameroon	13			Lao Peop. Dem	11			Suriname	10		
Canada			14	Republic				Sweden			12
Cape-Verde			10	Latvia		6	5	Switzerland	12		
Chile	13			Libyan Arab		11		Syrian Arab Rep.		13	
China	23			Jamahiriya				Tajikistan	10		
Colombia	14			Lithuania		11		Thailand	18		
Côte d'Ivoire	13			Luxembourg	10			The FYR of	11		
Croatia	11			Malaysia	13			Macedonia			
Cuba	13			Mali	12			Togo	11		
Cyprus	5	5	5	Malta			absent	Tunisia		12	
Czech Republic	1	8	4	Mauritius			absent	Turkey	17		
Denmark	6		6	Mexico	19			Turkey	13		
Ecuador		absent		Mongolia	11			Uganda			
Egypt		17		Morocco		14		United Arab		10	
El Salvador	12			Mozambique	13			Emirates			
Estonia			11	Namibia	11			United Kingdom	17		
Ethiopia	16			Nepal	13			United Rep. of	14		
Finland	6	2		Netherlands		13		Tanzania			
France	17			New Zealand	11			Uruguay	11		
Gabon	11			Nicaragua	10			Venezuela	13		
Georgia	12			Niger	12			Viet Nam	18		
Germany		19		Norway	8		3	Yugoslavia	13		
Ghana	10		3	Pakistan	20			Zambia	12		
								Zimbabwe	13		

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

**VOTE ON THE REQUEST OF THE GROUP OF LIBYAN ARAB JAMAHIRIYA**  
for the inclusion of a supplementary item entitled  
**"The need to lift the air embargo and other measures imposed on the Libyan Arab Jamahiriya"**

**R e s u l t s**

Affirmative votes.....	617	Total of affirmative and negative votes...	946
Negative votes.....	329	Two-thirds majority .....	631
Abstentions.....	496		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	2	9		Greece		10	3	Panama			11
Algeria	14			Guatemala			12	Peru			14
Angola	12			Guinea		absent		Philippines			18
Argentina			15	Hungary			10	Poland		15	
Armenia	6	1	4	Iceland		10		Portugal	2	10	
Australia			13	India	10			Rep. of Korea	8	8	
Austria		12		Indonesia	22			Rep. of Moldova		absent	
Azerbaijan			12	Iran (Islam.Rep.of)	17			Romania		7	7
Bangladesh	20			Ireland			11	Russian Federation	10		10
Belarus	10		3	Israel		12		Rwanda	12		
Belgium			12	Italy	8	9		San Marino	5		5
Benin	11			Japan		20		Singapore		11	
Botswana			11	Jordan	11			Slovenia	4	2	5
Brazil			20	Kazakhstan	13			South Africa			16
Bulgaria	6		6	Kenya			14	Spain	3		
Burkina Faso	12			Kuwait	11			Sri Lanka	13		
Cambodia			13	Kyrgyzstan			11	Sudan	14		
Cameroon	13			Lao Peop. Dem.	11			Suriname			10
Canada		14		Republic				Sweden			12
Cape-Verde	10			Latvia		11		Switzerland			12
Chile			13	Libyan Arab	11			Syrian Arab Rep.	13		
China	23			Jamahiriya				Tajikistan	10		
Colombia	2		12	Lithuania		11		Thailand			18
Côte d'Ivoire	13			Luxembourg		10		The FYR of			11
Croatia			11	Malaysia	13			Macedonia			
Cuba			13	Mali	12			Togo	11		
Cyprus	3		7	Malta		absent		Tunisia	12		
Czech Republic	1	8	4	Mauritius		absent		Turkey	7	7	3
Denmark	3		9	Mexico			19	Uganda	13		
Ecuador		absent		Mongolia			11	United Arab	10		
Egypt	17			Morocco	14			Emirates			
El Salvador	4		8	Mozambique	5		6	United Kingdom		17	
Estonia		11		Namibia	11			United Rep. of	14		
Ethiopia			16	Nepal			13	Tanzania			
Finland		10	2	Netherlands		13		Uruguay		11	
France		17		New Zealand		11		Venezuela			13
Gabon	9		2	Nicaragua			10	Viet Nam	14		4
Georgia		12		Niger	12			Yugoslavia	12		1
Germany		19		Norway		11		Zambia	12		
Ghana	13			Pakistan	20			Zimbabwe	13		

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

**VOTE ON THE REQUEST OF THE GROUP OF ISLAMIC REPUBLIC OF IRAN**  
for the inclusion of a supplementary item entitled  
**" Establishment of a nuclear-weapons-free zone in the Middle East"**

**R e s u l t s**

Affirmative votes.....	550	Total of affirmative and negative votes...	876
Negative votes.....	326	Two-thirds majority .....	584
Abstentions.....	580		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	3	8		Greece	7	6		Panama			11
Algeria			14	Guatemala			12	Peru			14
Angola			12	Guinea		absent		Philippines	18		
Argentina			15	Hungary			10	Poland		15	
Armenia	11			Iceland		10		Portugal		12	
Australia		13		India			10	Rep. of Korea	16		
Austria		12		Indonesia	22			Rep. of Moldova		absent	
Azerbaijan	12			Iran (Islam.Rep.of)	17			Romania	1	9	4
Bangladesh	20			Ireland			11	Russian Federation	15		5
Belarus	13			Israel		12		Rwanda	12		
Belgium	2	8	2	Italy	5		12	San Marino			10
Benin			11	Japan			20	Singapore	11		
Botswana			11	Jordan	7		4	Slovenia	2	9	
Brazil			20	Kazakhstan	13			South Africa			16
Bulgaria	6		6	Kenya	14			Spain		15	
Burkina Faso		12		Kuwait	11			Sri Lanka	13		
Cambodia	13			Kyrgyzstan	11			Sudan			14
Cameroon			13	Lao Peop. Dem.	11			Suriname	10		
Canada	4		10	Republic				Sweden			12
Cape-Verde	5		5	Latvia		11		Switzerland			12
Chile			13	Libyan Arab	11			Syrian Arab Rep.	13		
China	23			Jamahiriya				Tajikistan	10		
Colombia			14	Lithuania		11		Thailand	18		
Côte d'Ivoire			13	Luxembourg		10		The FYR of Macedonia	7		4
Croatia	11			Malaysia	13			Togo			11
Cuba			13	Mali			12	Tunisia		12	
Cyprus	10			Malta		absent		Turkey	12		5
Czech Republic	1	11	1	Mauritius		absent		Uganda	13		
Denmark		6	6	Mexico			19	United Arab Emirates			10
Ecuador		absent		Mongolia	11			United Kingdom			17
Egypt		17		Morocco		14		United Rep. of Tanzania			14
El Salvador	4		8	Mozambique	10		3	Uruguay			11
Estonia		11		Namibia	7		4	Venezuela			13
Ethiopia	16			Nepal			13	Viet Nam	13		5
Finland			12	Netherlands				Yugoslavia	1	1	11
France			17	New Zealand	11			Zambia			12
Gabon			11	Nicaragua			10	Zimbabwe			13
Georgia			12	Niger			12				
Germany		19		Norway		11					
Ghana	10		3	Pakistan	20						

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

### VOTE ON THE REQUEST OF THE GROUP OF ITALY

for the inclusion of a supplementary item entitled

**"Urgent need to take all necessary political initiatives to promote the ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their destruction, including by the countries which have not yet signed it"**

#### Results

Affirmative votes.....	977	Total of affirmative and negative votes... 1121
Negative votes.....	144	Two-thirds majority ..... 747
Abstentions.....	335	

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	11			Greece	13			Panama			11
Algeria			14	Guatemala			12	Peru			14
Angola	12			Guinea		absent		Philippines	18		
Argentina			15	Hungary	10			Poland	15		
Armenia	10		1	Iceland	10			Portugal	12		
Australia	13			India	10			Rep. of Korea	16		
Austria	12			Indonesia	22			Rep. of Moldova		absent	
Azerbaijan	12			Iran (Islam.Rep.of)	17			Romania	14		
Bangladesh	20			Ireland	11			Russian Federation	20		
Belarus	13			Israel	12			Rwanda			12
Belgium	12			Italy	17			San Marino	10		
Benin			11	Japan	20			Singapore			11
Botswana	11			Jordan		11		Slovenia	7	4	
Brazil			20	Kazakhstan			13	South Africa			16
Bulgaria	12			Kenya	14			Spain	15		
Burkina Faso		12		Kuwait	11			Sri Lanka	13		
Cambodia	9	3	1	Kyrgyzstan	8		3	Sudan		14	
Cameroon	7		6	Lao Peop. Dem. Republic	11			Suriname	10		
Canada	4		10	Latvia	11			Sweden			12
Cape-Verde			10	Libyan Arab Jamahiriya	5	6		Switzerland	12		
Chile			13	Lithuania	11			Syrian Arab Rep.		13	
China	23			Luxembourg	10			Tajikistan	10		
Colombia	14			Malaysia	13			Thailand	18		
Côte d'Ivoire			13	Mali			12	The FYR of Macedonia	11		
Croatia	11			Malta		absent		Togo	6		5
Cuba		13		Mauritius		absent		Tunisia		6	6
Cyprus	10			Mexico			19	Turkey	17		
Czech Republic	13			Mongolia	11		14	Uganda	13		
Denmark	12			Morocco				United Arab Emirates		10	
Ecuador		absent		Mozambique	13			United Kingdom	17		
Egypt		17		Namibia	11			United Rep. of Tanzania	14		
El Salvador	12		6	Nepal			13	Uruguay		11	
Estonia	5			Netherlands	13			Venezuela			13
Ethiopia	16		2	New Zealand	11		10	Viet Nam	10		8
Finland	10			Nicaragua				Yugoslavia	13		
France	17			Niger	12			Zambia			12
Gabon	11			Norway	6		5	Zimbabwe			13
Georgia	12			Pakistan	20						
Germany	19										
Ghana	10		3								

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

### VOTE ON THE REQUEST OF THE GROUP OF NORWAY

for the inclusion of a supplementary item entitled

**"Follow-up to the Ottawa process on anti-personnel mines through mobilisation of parliamentarians with a view to securing the universal and early ratification of the Convention, as well as undelayed implementation of its provisions"**

#### R e s u l t s

Affirmative votes.....	810	Total of affirmative and negative votes...	994
Negative votes.....	184	Two-thirds majority .....	663
Abstentions.....	457		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	5	6		Greece	10		3	Panama			11
Algeria	7		7	Guatemala			12	Peru			14
Angola	12			Guinea		absent		Philippines	18		
Argentina			15	Hungary	10			Poland	15		
Armenia	7		4	Iceland	10			Portugal	12		
Australia	13			India	10			Rep. of Korea			16
Austria	12			Indonesia	22			Rep. of Moldova		absent	
Azerbaijan	12			Iran (Islam.Rep.of)			17	Romania	14		
Bangladesh			20	Ireland	11			Russian Federation	10		10
Belarus	7		6	Israel	12			Rwanda	12		
Belgium	12			Italy	2	8	7	San Marino	10		
Benin	6		5	Japan	18		2	Singapore			11
Botswana	11			Jordan		11		Slovenia	7	4	
Brazil			20	Kazakhstan	8		5	South Africa	16		
Bulgaria	8		4	Kenya	14			Spain	10		
Burkina Faso	6		6	Kuwait			11	Sri Lanka			13
Cambodia	13			Kyrgyzstan			11	Sudan		14	
Cameroon	7		6	Lao Peop. Dem. Republic			11	Suriname	10		
Canada	14			Latvia	11			Sweden			12
Cape-Verde	5		5	Libyan Arab Jamahiriya		11		Switzerland	12		
Chile			13	Lithuania	11			Syrian Arab Rep.		13	
China		7	16	Luxembourg	10			Tajikistan	10		
Colombia	14			Malaysia	13			Thailand	18		
Côte d'Ivoire			13	Mali	12			The FYR of Macedonia	11		
Croatia	11			Malta			absent	Togo	8		3
Cuba		13		Mauritius			absent	Tunisia		12	
Cyprus	7		3	Mexico			19	Turkey	7		10
Czech Republic	1	2	10	Mongolia	6		5	Uganda	13		
Denmark	12			Morocco		14		United Arab Emirates		10	
Ecuador		absent		Mozambique	13			United Kingdom	17		
Egypt		17		Namibia	11			United Rep. of Tanzania	14		
El Salvador	12		11	Nepal			13	Uruguay		11	
Estonia				Netherlands		13		Venezuela			13
Ethiopia	16		4	New Zealand	11			Viet Nam			18
Finland		8		Nicaragua		10		Yugoslavia	13		
France	17			Niger	12			Zambia	12		
Gabon	11			Norway	11			Zimbabwe	13		
Georgia	12		19	Pakistan			20				
Germany			3								
Ghana	10										

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

**VOTE ON THE REQUEST OF THE GROUP OF GERMANY**  
for the inclusion of a supplementary item entitled  
**"Political (parliamentary) measures against pollution caused by slash-and-burn farming"**

**R e s u l t s**

Affirmative votes.....	459	Total of affirmative and negative votes...	859
Negative votes.....	400	Two-thirds majority .....	573
Abstentions.....	587		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	11			Greece	13			Panama			11
Algeria			14	Guatemala			12	Peru			14
Angola			12	Guinea		absent		Philippines	18		
Argentina			15	Hungary	10			Poland	15		
Armenia	6		5	Iceland			10	Portugal	6		6
Australia			13	India	10			Rep. of Korea			16
Austria	12			Indonesia		22		Rep. of Moldova		absent	
Azerbaijan			12	Iran (Islam.Rep.of)		17		Romania	10		4
Bangladesh			20	Ireland	7		4	Russian Federation	5	5	10
Belarus	5		8	Israel	12			Rwanda		12	
Belgium	8		4	Italy	9	8		San Marino	10		
Benin		11		Japan			20	Singapore			11
Botswana	11			Jordan		11		Slovenia	6	5	
Brazil			20	Kazakhstan		5	8	South Africa			16
Bulgaria	6		6	Kenya			14	Spain	5		
Burkina Faso		12		Kuwait			11	Sri Lanka			13
Cambodia	10	3		Kyrgyzstan	11			Sudan		14	
Cameroon			13	Lao Peop. Dem	5		6	Suriname		10	
Canada	7		7	Republic				Sweden	12		
Cape-Verde			10	Latvia	8		3	Switzerland	2		10
Chile			13	Libyan Arab		11		Syrian Arab Rep.		13	
China		5	18	Jamahiriya				Tajikistan	10		
Colombia	14			Lithuania	11			Thailand		18	
Côte d'Ivoire		13		Luxembourg	10			The FYR of Macedonia	6		5
Croatia	7		4	Malaysia	13			Togo			11
Cuba		13		Mali	6		6	Tunisia		12	
Cyprus	5		5	Malta		absent		Turkey	7		10
Czech Republic	2		11	Mauritius		absent		Uganda	6	7	
Denmark	6		6	Mexico			19	United Arab		10	
Ecuador		absent		Mongolia	11			Emirates			
Egypt		17		Morocco		14		United Kingdom	8	8	1
El Salvador			12	Mozambique		10	3	United Rep. of Tanzania		14	
Estonia	11			Namibia	3		8	Uruguay		11	
Ethiopia		16		Nepal			13	Venezuela			13
Finland	6	6		Netherlands	13			Viet Nam	10		8
France			17	New Zealand	8		3	Yugoslavia		13	
Gabon		11		Nicaragua		10		Zambia			12
Georgia	12			Niger		12		Zimbabwe		13	
Germany	19			Norway	5		6				
Ghana		8	5	Pakistan			20				

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

**VOTE ON THE REQUEST OF THE GROUP OF GERMANY**  
for the inclusion of an emergency supplementary item entitled  
**"The situation in Kosovo - Measures to ensure a durable and peaceful resolution of the crisis"**

**R e s u l t s**

Affirmative votes.....	697	Total of affirmative and negative votes...	810
Negative votes.....	113	Four-fifths majority .....	648
Abstentions.....	346		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	11			Greece		10	3	Panama		absent	
Algeria			14	Guatemala		absent		Peru			14
Angola			12	Guinea	12			Philippines		absent	
Argentina			15	Hungary		absent		Poland		absent	
Armenia	7		4	Iceland	10			Portugal	10	2	
Australia	13			India		absent		Rep. of Korea			16
Austria	6		6	Indonesia	22			Rep. of Moldova		absent	
Azerbaijan			12	Iran (Islam.Rep.of)	17			Romania	11	3	
Bangladesh		absent		Ireland		absent		Russian Federation		20	
Belarus		13		Israel	12			Rwanda			12
Belgium	12			Italy	17			San Marino		absent	
Benin	11			Japan	20			Singapore		absent	
Botswana			11	Jordan	11			Slovenia	9	2	
Brazil		absent		Kazakhstan	3	10		South Africa	16		
Bulgaria	7		5	Kenya	14			Spain	15		
Burkina Faso			12	Kuwait	11			Sri Lanka			13
Cambodia	3		10	Kyrgyzstan		absent		Sudan	14		
Cameroon			13	Lao Peop. Dem. Republic			11	Suriname	10		
Canada	14			Latvia	11			Sweden	12		
Cape-Verde	10			Libyan Arab Jamahiriya		absent		Switzerland	12		
Chile	13			Lithuania	11			Syrian Arab Rep.		absent	
China		10	13	Luxembourg	10			Tajikistan		10	
Colombia		absent		Malaysia		absent		Thailand			18
Côte d'Ivoire			13	Mali	12			The FYR of Macedonia	7		4
Croatia	11			Malta		absent		Togo			11
Cuba		13		Mauritius		absent		Tunisia	12		
Cyprus		absent		Mexico			19	Turkey	17		
Czech Republic	12	1		Mongolia	11			Uganda	7	6	
Denmark	12			Morocco	14			United Arab Emirates	10		
Ecuador		absent		Mozambique	13			United Kingdom	17		
Egypt	17			Namibia	11			United Rep. of Tanzania	5		9
El Salvador			12	Nepal		absent		Uruguay	11		
Estonia		absent		Netherlands	13			Venezuela		absent	
Ethiopia		absent		New Zealand	11			Viet Nam			18
Finland	12			Nicaragua	11			Yugoslavia		13	
France		absent		Niger	12			Zambia		absent	
Gabon		absent		Norway	11			Zimbabwe			13
Georgia	12			Pakistan			20				
Germany	19										
Ghana			13								

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

**VOTE ON OPERATIVE PARAGRAPH 4 OF THE DRAFT RESOLUTION  
RELATING TO THE PREVENTION OF CONFLICTS  
(At the request of the Group of the United Kingdom)**

**R e s u l t s**

Affirmative votes..... 986  
Negative votes..... 147  
Abstentions..... 70  
Total of affirmative and negative votes..... 1133

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania			11	Ghana	13			Panama			absent
Algeria	14			Greece		absent		Peru			absent
Angola	12			Guatemala			12	Philippines			absent
Argentina			15	Guinea		absent		Poland	15		
Armenia	11			Hungary	10			Portugal	12		
Australia		13		Iceland		10		Rep. of Korea	16		
Austria	12			India		absent		Rep. of Moldova			absent
Azerbaijan	12			Indonesia	22			Romania			14
Bangladesh		absent		Iran (Islam.Rep.of)	17			Russian Federation	20		
Belarus	13			Ireland		11		Rwanda	12		
Belgium	12			Israel		absent		San Marino			absent
Benin	11			Italy	17			Singapore			absent
Bolivia	12			Japan		20		Slovenia	10		
Botswana			11	Jordan	11			South Africa	16		
Brazil	20			Kazakhstan	13			Spain	15		
Bulgaria	12			Kenya	14			Sri Lanka			absent
Burkina Faso	12			Kuwait			11	Sudan	14		
Cambodia	13			Kyrgyzstan	11			Suriname	10		
Cameroon	13			Lao Peop. Dem. Republic	11			Sweden	12		
Canada		14		Latvia		11		Switzerland			12
Cape-Verde	10			Libyan Arab Jamahiriya	11			Syrian Arab Rep.	13		
Chile	13			Lithuania		absent		Tajikistan	10		
China	23			Luxembourg	10			Thailand	18		
Colombia		absent		Malaysia		absent		The FYR of Macedonia	11		
Congo	11			Mali		absent		Togo	11		
Côte d'Ivoire	13			Malta			10	Tunisia	12		
Croatia	11			Mauritius		absent		Turkey	17		
Cuba	13			Mexico	19			Uganda	13		
Cyprus	10			Mongolia		absent		United Arab Emirates	10		
Czech Republic	10	3		Morocco		absent		United Kingdom			17
Denmark	6	6		Mozambique	10			United Rep. of Tanzania	14		
Ecuador		absent		Namibia	11			Uruguay	11		
Egypt	17			Nepal		absent		Venezuela	13		
El Salvador		absent		Netherlands	13			Viet Nam	18		
Estonia	11			New Zealand		11		Yugoslavia	13		
Ethiopia		absent		Nicaragua		absent		Zambia	12		
Finland	12			Niger		absent		Zimbabwe	13		
France	12	5		Norway	11						
Gabon	11			Pakistan	20						
Georgia		absent									
Germany	19										

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



**THE PREVENTION OF CONFLICTS AND THE RESTORATION OF PEACE AND TRUST IN COUNTRIES EMERGING FROM WAR; THE RETURN OF REFUGEES TO THEIR COUNTRIES OF ORIGIN, THE STRENGTHENING OF DEMOCRATIC PROCESSES AND THE HASTENING OF RECONSTRUCTION**

*Resolution adopted without a vote\* by the 99<sup>th</sup> Inter-Parliamentary Conference  
(Windhoek, 10 April 1998)*

The 99<sup>th</sup> Inter-Parliamentary Conference,

*Aware* that, despite the development of conflict prevention mechanisms and the growing number of successes achieved by preventive diplomacy, armed conflicts still occur and post-war normalisation and rehabilitation require constant and active international involvement and support,

*Deeply concerned* that the slow pace of post-war normalisation and rehabilitation in various crisis areas of the world continues to endanger international peace, stability and security,

*Recalling* the relevant resolutions adopted by the Inter-Parliamentary Union, including those entitled « Respect for international humanitarian law and support for humanitarian action in armed conflicts », « Prevention of conflicts, maintenance and consolidation of peace: Role and means of the United Nations and regional organizations », « The protection of minorities as a global issue and a prerequisite for stability, security and peace » and « Co-operation for world and regional security and stability, as well as respect for all forms of the sovereignty and independence of States », adopted, respectively, by the 90<sup>th</sup>, 91<sup>st</sup>, 95<sup>th</sup> and 97<sup>th</sup> Inter-Parliamentary Conferences,

*Considering* that war, political instability and oppression but also poverty and economic hardship trigger movements of refugees, and *conscious* that poverty, especially when combined with ethnic or political discord and political oppression, provides fertile ground for those wishing to foment violent opposition to governments,

*Also recalling* Conclusions No. 18 (XXXI) of 1980, No. 40 (XXXVI) of 1985, No. 56 (XL) of 1989, No. 74 (XLV) of 1994, No. 80 (XLVII) of 1996 and No 81 (XLVIII) of 1997 of the Executive Committee of the Office of the UN High Commissioner for Refugees on international protection, and *wishing* to further stress:

- (a) The fundamental right of refugees to return home voluntarily and in safety and dignity;
- (b) The entitlement of returning refugees to all constitutional rights, including all human rights as enshrined in the Universal Declaration of Human Rights of 10 December 1948;
- (c) The need for the international community to provide adequate support to facilitate the reintegration of returnees, internally and externally displaced persons and demobilised soldiers,

*Noting* that democratic governance, transparency and accountability in government, the strengthening of electoral processes, the pursuit of social and economic development and the

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\* The delegations of China and Finland expressed reservations on paragraph A.5 and the delegation of Azerbaijan expressed reservations on section B.

observance of basic human rights can not only prevent conflict but also restore peace to countries emerging from war,

*Acknowledging* the leading role of the United Nations and regional organisations in preventing conflict and restoring peace, ensuring sustainable economic and social development and promoting fundamental human rights,

*Also acknowledging* the importance of implementing all UN Security Council resolutions on conflicts,

*Recalling* relevant United Nations documents, especially the UN Secretary-General's 'An Agenda for Peace', the 'Supplement to an Agenda for Peace', 'An Agenda for Development' and 'An Agenda for Democratization', as well as General Assembly resolutions 52/18 of 15 January 1998 and 52/129 of 12 December 1997,

*Recognising* the Beijing Declaration and Platform for Action adopted by the States participating in the Fourth World Conference on Women organised by the UN in 1995, and *convinced* that the establishment and maintenance of peace and security require the unrestricted participation of women in decision-making processes, conflict prevention and settlement and all other peace initiatives,

*Stressing* the need to consolidate international peace and security through disarmament, in particular nuclear disarmament leading to the elimination of all nuclear weapons, and to impose quantitative and qualitative restrictions on the arms race, and *recalling* to this end the resolution of the 85<sup>th</sup> Inter-Parliamentary Conference (Pyongyang, April 1991) entitled «Need to prevent the proliferation of nuclear weapons and other weapons of mass destruction, to ensure the security of all States and to strengthen confidence-building measures in the context of the process of disarmament »,

*Pointing out* that the overwhelming majority of arms sales to developing countries are made by the permanent members of the UN Security Council,

*Believing* that the restoration of peace, the return of refugees, land rehabilitation and even economic recovery would be facilitated by the banning of the use, stockpiling, production and transfer of anti-personnel mines and by their destruction in conformity with IPU resolutions on the subject (Beijing, September 1996 and Cairo, September 1997),

*Noting* with great interest the content of the address delivered to the Conference by the Director General of UNESCO, Mr. Federico Mayor, on 6 April,

*Also noting* the importance of promoting all the components of a genuine «culture of peace», and *hoping* for full recognition of the right to peace which is inherent in every individual and every society and is the very foundation of such a culture,

*Urging* parliaments to play their true role by legislating effectively to achieve the objectives of this resolution and by holding the Executive accountable for its action in these areas,

A. Conflicts and Conflict Prevention

1. *Calls on* the United Nations and other international and regional organisations concerned to develop and implement an international system for preventing aggression by tackling the root causes of problems, and *urges* these organisations to proceed accordingly with an in-depth review of the conditions to be met and the means to be applied to ensure that conflict prevention is more effective than in the past;
2. *Urges* all countries to support the UN Secretary-General in his efforts to reform and strengthen the mechanisms of the UN which deal with conflict prevention and early warning;

3. *Stresses the need* to avoid different standards when implementing UN Security Council resolutions;
4. *Emphasises* that no single State or closed group is entitled to monopolise conflict settlement worldwide, particularly by threatening to resort to force or military action, and that any attempts to do so should be rejected by the world community;
5. *Calls on* States which have not yet signed the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (Ottawa, December 1997) to do so, and on signatory States to ratify it as soon as possible to ensure its early entry into force; and *urges* States to facilitate the implementation of the Convention, especially with regard to humanitarian demining and victim assistance;
6. *Also calls on* States to reaffirm that rape in the conduct of armed conflict constitutes a war crime and, in certain circumstances, a crime against humanity and an act of genocide as defined in the 1951 Convention on the Prevention and Punishment of the Crime of Genocide, to take all measures required for the protection of women and children from such acts, and to strengthen mechanisms to investigate and punish those responsible and bring the perpetrators to justice;
7. *Underlines the need* to establish or restore civilian control over society as an essential step towards restoring peace and trust;
8. *Calls on* governments and all other parties concerned to end arms sales which lead to wars and conflicts;
9. *Underlines the importance* of national and regional NGO networks dealing with conflict prevention and peace-building;

B. Restoration of Peace and Trust

1. *Condemns* the use of military force against peoples exercising their right to self-determination;
2. *Calls on* the United Nations to support all parties which suffer from conflicts, regardless of whether they are subject to international law;
3. *Also calls on* parties to conflicts to start and pursue direct negotiations as an essential means of reaching a peaceful solution;
4. *Believes* that developing democratic processes and enforcing human rights are the most effective means of preventing conflicts and restoring peace and trust in countries emerging from war;

C. Refugees

1. *Calls on* all countries of origin, countries of asylum, the Office of the UN High Commissioner for Refugees (UNHCR) and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their home in safety and dignity;
2. *Also calls on* governments and parliaments to facilitate the early and voluntary return, the resettlement and the rehabilitation of refugees and displaced persons; the disarming, demobilisation and subsequent training and reintegration of former combatants, especially child soldiers, into civilian life; and the rehabilitation of traumatised populations, in particular women and children;
3. *Urges* the international community to provide timely and speedy humanitarian assistance and support to countries affected by an influx of refugees and displaced persons, and to help them particularly with the care and maintenance of large populations;
4. *Calls on* governments and parliaments to consider measures to guarantee the safety of displaced persons, including internally displaced persons, and their property during and after repatriation;
5. *Urges* governments and parliaments to condemn the use of refugees either as human shields in armed conflicts or as political pawns;

6. *Appeals* to donor countries to promote reconstruction in conflict regions and the integration of returning refugees by providing generous assistance in order to safeguard the physical, social, legal and material security of former refugees and displaced persons;
7. *Recommends* that international financial bodies accord generous terms to countries which take in substantial numbers of refugees;

D. Democratic Processes

1. *Stresses* that the holding of free and fair elections as early as possible in countries emerging from war is of the utmost importance to the normalisation process;
2. *Underscores* that a freely and democratically elected Parliament is a prerequisite for the consolidation of peace and the prevention of new conflicts;
3. *Calls on* political parties and structures to choose their leaders according to merit;
4. *Attaches* the utmost importance to respect for human rights and fundamental freedoms, the rights of minorities and the freedom of the media, as major elements in the strengthening of democratic processes;
5. *Urges* governments to include teaching on tolerance, human rights and the culture of peace in formal and informal education;

E. Reconstruction

1. *Calls on* governments and parliaments to assist in the reconstruction and development of necessary infrastructure and productive capacity;
2. *Stresses* the importance of inter-ethnic reconciliation in the post-war normalisation process in multi-ethnic States.

**ACTION TO COMBAT HIV/AIDS IN VIEW OF ITS DEVASTATING HUMAN,  
ECONOMIC AND SOCIAL IMPACT**

*Resolution unanimously adopted by the 99<sup>th</sup> Inter-Parliamentary Conference  
(Windhoek, 10 April 1998)*

The 99<sup>th</sup> Inter-Parliamentary Conference,

*Recalling* the previous resolutions of the Inter-Parliamentary Union concerning HIV/AIDS, particularly that of the 87<sup>th</sup> Conference (Yaoundé, April 1992),

*Concerned* by the speed at which the HIV/AIDS epidemic is spreading throughout the world, particularly among women and children,

*Noting* the growing awareness of the seriousness of AIDS as a disease to which anyone can be exposed, regardless of ethnic origin, age group, geographical situation and level of economic or social well-being,

*Emphasising* the harmful impact of AIDS on society, economies and development, which jeopardises world economic growth and threatens political and social stability,

*Acknowledging* that balancing the rights and responsibilities of a broad spectrum of people is a formidable but necessary legislative task of parliaments,

*Mindful* that women and children as well as groups which are underprivileged socially and economically or in terms of the law, and those with no legal status, are less aware and therefore more vulnerable to the risks of infection from HIV/AIDS because they may be barred from full access to education, health care, social services and other means of prevention and control, and *acknowledging* that they suffer disproportionately from the economic and social consequences of the HIV/AIDS epidemic,

*Convinced* that both authorities and society as a whole must spare no effort to prevent and contain the spread of HIV/AIDS and ease the impact of this pandemic on respect for human rights and civil liberties,

*Deeply concerned* by the ever-widening gap between developed and developing countries in terms of possibilities for screening, identifying, monitoring, treating and ensuring the social integration of people with AIDS, which is the more serious as the great majority of those affected live in developing countries,

*Reminding* States of the commitments they have undertaken to promote and encourage respect for human rights in instruments such as the Universal Declaration of Human Rights, the United Nations Charter, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, as well as the conventions of the International Labour Organisation, the Vienna Declaration and Programme of Action, the Beijing Declaration, resolutions 1994/24 and 1997/52 of the UN Economic and Social Council, the Cairo Programme of Action, the Declaration of the Paris Summit of 1 December 1994, the G-7 Development Ministers, Joint Declaration of 1 December 1997 and the resolution of the ASEAN Inter-Parliamentary Organisation (AIPO) on the Maintenance of Health and Prevention of the Spread of HIV/AIDS adopted at the 18<sup>th</sup> General Assembly of AIPO in Bali, Indonesia, in September 1997,

*Recognising* that HIV/AIDS spreads beyond borders and must accordingly be fought through joint action by the international community and international organisations, especially UNAIDS and its co-sponsors (UNICEF, UNDP, UNFPA, UNESCO, WHO, World Bank),

*Reaffirming* the principles set out in the World AIDS Strategy adopted by WHO and endorsed by the UN General Assembly, the main goals of which are as follows:

- (a) Preventing HIV infection;
- (b) Reducing the effects of infection on individuals and society;
- (c) Mobilising and combining national and international efforts to combat AIDS,

*Convinced* of the need to act on a global scale to ensure that despite overstretched public budgets, no effort is spared to reduce the number of new cases of HIV/AIDS,

*Recalling* that adopting legislation on the rights and obligations of persons is one of the primary duties of parliaments,

1. *Urges* parliamentarians to evaluate properly the growing impact of the HIV/AIDS epidemic on world economic development and on social and political stability, and to become aware of the resulting daily violations of the inalienable rights of individuals;
2. *Urges* governments and NGOs to adopt a long-term, timely, coherent and integrated AIDS prevention policy with public information and education programmes which are specifically tailored to the needs of the various target groups and take account of cultural and religious sensitivities, and thus provide universally accessible information about the various routes of HIV transmission and highlight ways of avoiding or at least reducing the risk of infection;
3. *Calls on* the more prosperous countries, in accordance with the principle of international solidarity, to help less developed countries, to take on appropriate additional burdens and to offer financial assistance and technical and social support;
4. *Also calls on* governments, scientific organisations and the pharmaceutical industry to cooperate in funding and reinforcing AIDS vaccine research, as proposed by the International AIDS Vaccine Initiative, and *invites* the pharmaceutical industry in particular to invest massively in such research;
5. *Calls for* negotiations between wealthy and poorer countries to devise ways of enabling every person living with HIV/AIDS to benefit from the best treatments possible in light of current medical knowledge;

6. *Calls on* developed countries, as well as international organisations and financial institutions, to earmark part of their development assistance to support national AIDS programmes in the developing world;
7. *Urges* governments to ensure the protection of human rights by putting into practice the guidelines adopted by the Second International Consultation on HIV/AIDS and Human Rights (September 1996). Special consideration should be given to the following:
  - (a) Review and reform existing public health laws so as to ensure that they address the issues raised by HIV/AIDS and comply with international human rights obligations (protection of privacy, confidentiality, liberty and security of the person), and that the provisions applicable to other transmissible diseases are not implemented in an inappropriate manner;
  - (b) Review and reform penal legislation and prison systems so as to ensure that they comply with international obligations for the protection of human rights, especially as regards HIV/AIDS;
  - (c) Adopt legislation ensuring that the human rights of persons infected or affected by HIV/AIDS are respected, banning all forms of discrimination against them, and establishing their right to education, work, housing and social services;
  - (d) Ensure respect for privacy, confidentiality and ethics in scientific research on human beings (informed consent, education and respect of subjects);
  - (e) See to it that public institutions and the private sector establish rules concerning HIV/AIDS which translate human rights principles into codes of professional responsibility and practice, and introduce monitoring mechanisms to ensure that they are properly applied;
8. *Calls on* parliamentarians to encourage the involvement of all sectors of society by promoting inter-agency and multisectoral co-operation, including public-private sector partnerships as an effective means to respond to the pandemic;
9. *Urges* parliamentarians to intensify their legislative, budgetary and oversight functions in all areas of activity relevant to HIV/AIDS prevention and control;
10. *Requests* UNAIDS, in co-operation with the IPU Secretariat, to consult IPU member parliaments in finalising the draft Handbook on HIV/AIDS, law and human rights, and to disseminate it as a reference tool for the establishment of legal standards, with progress to be reported at the next IPU Conference in Moscow;
11. *Urges* legislators to ensure that HIV/AIDS is addressed at all times through a partnership approach which involves the widest possible range of concerned stakeholders, including people living with AIDS, as well as the community, in decision-making processes and which provides for the sharing and dissemination of all relevant information on policies and medical and social issues;
12. *Calls on* governments to remove possible routes of transmission within health services, by using only blood and blood products which are guaranteed free of infection, utilising disposable hypodermic needles and ensuring strict compliance with all other hygiene regulations, including establishing needle and syringe exchange programmes, and *urges* the developed countries to provide material and technical support to the developing countries in this respect;

13. *Calls for* the establishment, in IPU member parliaments, of non-partisan parliamentary groups on HIV/AIDS to ensure ongoing dialogue, briefings and debate as well as training activities in order to deepen the understanding of the pandemic and to promote a consensus on national AIDS policy.



**FOREIGN DEBT AS A FACTOR LIMITING THE INTEGRATION OF THE THIRD  
WORLD COUNTRIES INTO THE PROCESS OF GLOBALISATION**

*Resolution adopted without a vote\* by the 99<sup>th</sup> Inter-Parliamentary Conference  
(Windhoek, 10 April 1998)*

The 99<sup>th</sup> Inter-Parliamentary Conference,

*Considering* the breathtaking speed of the globalisation process, which affects all countries regardless of their capacity to cope therewith,

*Mindful* of the fact that the foreign debt burden limits the Third World's opportunities to become properly integrated into the globalisation process,

*Considering* that, since the debtor countries have never refused to meet their debt obligations, it is essential for the United Nations General Assembly to establish machinery whereby States can repay their debts without detriment to their populations,

*Concerned* by the economic crisis in the debtor countries in general which is aggravated by conditionalities imposed by international financial institutions and which, in the final analysis, primarily affects the masses in these countries and has an especially harsh impact on children, women, indigenous peoples and minority populations,

*Recognising* that exports to debtor countries greatly benefit the economies of creditor countries,

*Mindful* of the need to focus on the challenges posed by North-South problems and on the issue of mutual responsibility, and *convinced* that the debt crisis can be tackled effectively within a global forum involving all parties concerned, creditors and debtors alike, since the heavy debt burden leads to the inability of debtor countries to honour their debt repayment obligations and is a threat to the global economy,

*Conscious* that, in a world affected by the process of globalisation, more than a billion people live in absolute poverty and have been marginalised within society, thus being denied the opportunity to participate in productive economic life,

*Mindful* that the debt servicing of many countries exceeds their entire national budgets for education, housing, health and environmental programmes and related social and economic services, and consumes a disproportionately large percentage of their annual foreign exchange earnings, thus diverting much-needed funds from economic initiatives and human development needs, posing a threat to political stability and democratic development and aggravating conflicts,

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\* The delegation of Japan expressed reservations on operative paragraph 1.

1. *Reaffirms* the support of the world parliamentary system to the Third World countries' endeavours to find a viable, timely solution to the foreign debt problem - in part through the strengthening of the IMF/World Bank initiative (HIPC) in favour of developing countries - and *supports* the cancellation or a substantial reduction of the debt as part of the jubilee celebration of the year 2000, so that peoples can enter the new millennium in better conditions;
2. *Calls on* the Governments of the countries represented in the IPU to request, through their respective Ambassadors to the United Nations, that a debate be held at the next UN General Assembly session on the global problem of debt;
3. *Urges* the international community to consider favourably, within the United Nations, the innovative concept of debt-for-nature swaps;
4. *Calls on* the United Nations General Assembly to consider applying to the International Court of Justice at The Hague for an advisory opinion on the manner in which part of the debt was contracted;
5. *Recommends* that the Third World countries take a collective approach to adopting common principles in negotiating, and finding, viable solutions with international financial institutions and creditor countries, so as to achieve a net transfer of resources favourable to debtor countries as well as changes in conditionalities that affect them;
6. *Urges* creditors to co-operate with debtor countries - especially the heavily indebted poor countries - so that the latter can ensure their debt servicing, taking into account the fact that funds earmarked for debt servicing are diverted from investment in education, health and housing, thereby leading to a further deterioration of the Third World's alarming poverty indexes, and *stresses* the need for creditors to understand that progress made by the economies of the developing world will lead to readjustments on the international scene which will inevitably benefit them greatly;
7. *Reiterates* its request that the IBRD/World Bank and the International Monetary Fund be equipped with parliamentary observer institutions to monitor their activities and ensure that their policies take into account co-responsibility between debtor and creditor countries, so as to:
  - Promote sustainable, socially just and environmentally sound development in the Third World, with particular emphasis on human rights, democracy and reduced defence spending;
  - Involve recipient countries, and in particular their populations, in all stages of the planning and implementation of projects, thus ensuring that they include the essential « human dimension »;
  - Avoid deterioration of the living conditions and human rights of men, women and children by preserving basic health and education and enhancing productive capacity.

**VOTE ON PREAMBULAR PARAGRAPH 8 OF THE DRAFT RESOLUTION  
RELATING TO THE SITUATION IN KOSOVO  
(at the request of the Group of Switzerland)**

**R e s u l t s**

Affirmative votes..... 838  
Negative votes..... 128  
Abstentions..... 202  
Total of affirmative and negative votes..... 966

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		6	5	Ghana	13			Panama		absent	
Algeria		absent		Greece		absent		Peru	14		
Angola	12			Guatemala	12			Philippines		absent	
Argentina		15		Guinea		absent		Poland			15
Armenia		absent		Hungary	10			Portugal	10	2	
Australia	13			Iceland	10			Rep. of Korea			16
Austria	8	1	3	India		absent		Rep. of Moldova		absent	
Azerbaijan	12			Indonesia	22			Romania	14		
Bangladesh		absent		Iran (Islam.Rep.of)	17			Russian Federation	20		
Belarus	13			Ireland	11			Rwanda	12		
Belgium	7	5		Israel		absent		San Marino		absent	
Benin	11			Italy			17	Singapore			11
Bolivia	12			Japan	15		5	Slovenia	11		
Botswana	11			Jordan			11	South Africa	16		
Brazil		20		Kazakhstan	13			Spain	15		
Bulgaria	12			Kenya	5	9		Sri Lanka		absent	
Burkina Faso			12	Kuwait			11	Sudan	14		
Cambodia	5		8	Kyrgyzstan		absent		Suriname			10
Cameroon			13	Lao Peop. Dem.	11			Sweden	12		
Canada	2	2	10	Republic				Switzerland		12	
Cape-Verde			10	Latvia	11			Syrian Arab Rep.	13		
Chile	13			Libyan Arab		absent		Tajikistan	10		
China	23			Jamahiriya				Thailand	13		
Colombia		absent		Lithuania		absent		The FYR of	11		
Congo		11		Luxembourg	10			Macedonia			
Côte d'Ivoire			13	Malaysia		absent		Togo	11		
Croatia	11			Mali		absent		Tunisia	12		
Cuba	13			Malta	10			Turkey		17	
Cyprus	10			Mauritius		absent		Uganda	13		
Czech Republic	12		1	Mexico	19			United Arab	10		
Denmark	12			Mongolia		absent		Emirates			
Ecuador		absent		Morocco		absent		United Kingdom	8	8	1
Egypt	17			Mozambique	13			United Rep. of	14		
El Salvador		absent		Namibia	11			Tanzania			
Estonia	8	3		Nepal		absent		Uruguay		11	
Ethiopia		absent		Netherlands	13			Venezuela	13		
Finland	4	6	2	New Zealand	11			Viet Nam	18		
France			17	Nicaragua		absent		Yugoslavia		absent	
Gabon		absent		Niger	12			Zambia	12		
Georgia		absent		Norway			11	Zimbabwe	13		
Germany	19			Pakistan	20						

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

**THE SITUATION IN KOSOVO - MEASURES TO ENSURE A LASTING  
AND PEACEFUL SOLUTION TO THE CRISIS**

*Resolution adopted without a vote by the 99<sup>th</sup> Inter-Parliamentary Conference  
(Windhoek, 10 April 1998)*

The 99<sup>th</sup> Inter-Parliamentary Conference,

*Deeply concerned* by the current situation in the Kosovo province of the Federal Republic of Yugoslavia, which is creating uneasiness and legitimate concern in the neighbouring countries,

*Condemning* the escalation of terrorism and repression in recent weeks, which has led to many deaths in Kosovo, including women and children,

*Recognising* UN Security Council resolution 1160 of 31 March 1998 as the basis for considering possible measures which could ensure a durable and peaceful resolution of the crisis,

*Noting with satisfaction* the statements made on 9 and 25 March 1998 by the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group),

*Supporting* the efforts and decisions of the Organization for Security and Co-operation in Europe (OSCE), the Parliamentary Assembly of the Council of Europe and the neighbouring countries, as well as other steps undertaken with a view to ensuring a peaceful and equitable settlement in Kosovo,

*Recognising* that some progress has been achieved in the implementation of the measures specified in the Contact Group statements of 9 and 25 March 1998, yet *stressing* at the same time the need for further progress,

*Supporting* a new mission by former Spanish Prime Minister Felipe Gonzalez on behalf of the European Union (EU) and the OSCE,

*Affirming* adherence to the principle of maintaining the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

*Convinced* that the human rights situation in Kosovo and the threat of further instability in the entire Balkan region can affect the legitimate interests of the international community, not least as a result of the refugee flows associated therewith,

1. *Appeals* to all parties to the conflict to return to the principle of non-violence and to refrain from acts of provocation;
2. *Calls on* the parties to the conflict to engage immediately in mediation talks and to cooperate unconditionally with the international community in order to resolve the conflict;
3. *Appeals* to all outside observers to refrain from providing funds, supplying weapons and other equipment, or providing training with such weapons and equipment, in support of terrorist activities;

4. *Considers* efforts to contribute to the consolidation of the positive changes in approaches to the Kosovo crisis as a significant objective of the international community;
5. *Expresses* its support for UN Security Council resolution 1160 of 31 March 1998, and *urges* parliaments of the world and the IPU, using all means at their disposal, to ensure the full implementation, by governments, of all its provisions, including a meaningful self-administration for Kosovo;
6. *Requests* the immediate withdrawal of the Serbian special police forces as well as the end of operations against the civilian population and the cessation of disproportionate control measures;
7. *Also requests* continued and unrestricted access to Kosovo for all humanitarian organisations.

## CO-OPERATION WITH THE UNITED NATIONS SYSTEM

### Parliamentary action for national follow-up to international agreements and treaties regarding women

*Decisions taken by the Inter-Parliamentary Council at its 162<sup>nd</sup> session (Windhoek, 11 April 1998),  
on the recommendation of women parliamentarians*

There are a number of international conventions concerning women, the chief of which is the « *Convention on the Elimination of All Forms of Discrimination against Women* ». The ratification of treaties implies a number of obligations for States parties, in particular, that of harmonising national law with the treaty provisions and reporting periodically to a competent body on national measures to follow up those provisions.

Furthermore, a number of international instruments which are not treaties but have been the subject of an agreement contain recommendations for action by Governments and national Parliaments. These instruments establish a mechanism for periodic examination of progress made in national follow-up to these recommendations. The principal instruments which are to be examined shortly are (i) the « *the Beijing Declaration and Platform for Action* », adopted by the United Nations Fourth World Conference on Women in September 1995, and (ii) the « *Plan of Action to correct present imbalances in the participation of men and women in political life* », adopted by the Inter-Parliamentary Council in March 1994 as a contribution to the Beijing Platform for Action. In both cases, the first periodic examination will take place in the year 2000; as far as the United Nations is concerned, the **United Nations General Assembly will hold a Special Session from 5 to 9 June 2000** to examine and evaluate steps taken by States to follow up the « *Beijing Platform for Action* ».

**In the spirit of the co-operation agreement signed in 1996 between the Inter-Parliamentary Union and the United Nations, the Inter-Parliamentary Council decides to take the following measures, aimed at:**

- **strengthening the synergy between the two organisations to give the aforesaid instruments greater effect, and**
- **encouraging Parliaments to exert greater influence on their national follow-up.**

#### I. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The « *Convention on the Elimination of All forms of Discrimination Against Women* » (CEDAW) has been ratified by 160 States: the box on the following page contains the ratification status for this instrument. According to Article 18 of the Convention, « *States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect: (a) Within one year after the entry into force for the State concerned; and (b) Thereafter at least every four years and further whenever the Committee so requests.* ». Among the 160 States which have ratified the CEDAW, **56 have never submitted a preliminary report** on the follow-up action they have taken, and **some 30 States are very late in submitting the subsequent periodic reports:**

⇒ STATES THAT NEVER SUBMITTED THEIR INITIAL REPORT ON THEIR FOLLOW-UP TO CEDAW (*members of the Inter-Parliamentary Union in bold character*): **Albania, Algeria, Andorra, Angola, Bahamas, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Costa Rica, Côte d'Ivoire, Dominica, Eritrea, Estonia, Fiji, Gambia, Georgia, Grenada, Guinea, Guinea-Bissau, Haiti, India, Kuwait, Latvia, Lao People's Democratic Republic, Lesotho, Liberia, Lithuania, Malaysia, Maldives, Malta, Nepal, Papua New Guinea, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Samoa, Seychelles, Sierra Leone, Singapore, Suriname, Tajikistan, The F.Y.R. of Macedonia, Togo, Trinidad and Tobago, Uzbekistan, Vanuatu.**

⇒ STATES LATE IN SUBMITTING ONE OF THE SUBSEQUENT REPORTS (*members of the Inter-Parliamentary Union in bold*): **Angola, Bhutan, Brazil, Burkina Faso, Cape Verde, Comoros, Congo, Costa Rica, Dominica, El Salvador, Gabon, Guinea, Guinea-Bissau, Guatemala, Guyana, Haiti, Iraq, Jamaica, Lao People's Democratic Republic, Liberia, Malawi, Mali, Mongolia, Saint Kitts and Nevis, Saint Lucia, Sri Lanka, Togo, Uruguay, Viet Nam, Yugoslavia.**

#### DECISION N° 1

1. Having the above information before it, the **Inter-Parliamentary Council urges the MPs of States that have not yet submitted an initial report or one or more of the subsequent reports to the CEDAW Committee:**

1. **To enquire about** the reasons for this delay;
2. **To arrange** for the Government to present the report as soon as possible in the coming months;
3. **To ensure** that the Government's report is detailed and complete and complies with the standards laid down by the CEDAW Committee.

2. Of those States which have ratified the Convention, many have expressed reservations. **Considering that such reservations considerably limit the scope of the Convention**, the Inter-Parliamentary Council urges MPs of States having expressed reservations at the time of accession to CEDAW to **enquire about the continued validity of those reservations and, if need be, endeavour to have them lifted.**

3. In general, parliamentarians from States which are parties to CEDAW could, as part of their role of overseeing Government action, **draw on some recommendations** made in 1993 on the occasion of the IPU Symposium on « Parliament: Guardian of Human Rights ». Those recommendations, which the Inter-Parliamentary Council endorsed, are the following:

*« Parliaments should be more diligent in ensuring that the Executive submits to the international treaty bodies the requisite reports, including references to the work and observations of MPs. If Parliaments are not consulted when these reports are drawn up, they should receive them for information, together with the opinions, decisions or recommendations of the committees to which they were submitted. »*

4. Considering that an **Optional Protocol** relating to CEDAW and establishing an individual complaints procedure is being prepared within the United Nations, the **Inter-Parliamentary Council invites Parliaments to support the adoption of the Protocol and take the necessary steps to secure its earliest possible entry into force.**

## II. BEIJING PLATFORM FOR ACTION AND IPU PLAN OF ACTION

The « *Beijing Declaration and Platform for Action* » covers twelve critical areas of concern<sup>3</sup>. By adopting these documents in September 1995, the Governments undertook on behalf of States to give effect to the recommendations they contain by adopting **national plans**. In March 1998, the United Nations Commission on the Status of Women recommended that the United Nations General Assembly hold a Special Session from 5 to 9 June 2000 in order to review and evaluate steps taken by States to follow up the provisions of the Platform for Action.

The « *Plan of Action to correct present imbalances in the participation of men and women in political life* » solely concerns the question of women's participation in political life. It was drawn up in 1994 as a contribution to the preparation of the Beijing Platform for Action and can be considered as an extension of Section VII (women in power and decision-making) of the Platform for Action. Section E of the Plan of Action is entitled « *Mechanism for the follow-up and evaluation of the implementation of the Plan of Action* », which reads as follows :

*« The implementation of this Plan of Action should be evaluated periodically. Such evaluations should be carried out at five-yearly intervals in the light of national reports. Within the Inter-Parliamentary Union, responsibility for examining these reports will be entrusted to a Parity Working Group set up specifically to this end. The views and recommendations formulated by this Parity Working Group will be examined by the Inter-Parliamentary Council and transmitted for action to the Parliaments of the countries concerned. »*

In accordance with these provisions, at its first session of the year 2000, the Inter-Parliamentary Council should have before it a report on the measures taken in the different countries represented in the IPU to give effect to the Plan of Action. This implies that a questionnaire regarding this subject be addressed to all IPU members in 1999 and also that the Parity Working Group mentioned in the Plan of Action analyse the replies to the questionnaire in 1999 or, at the very latest, in the first few weeks of the year 2000.

### DECISION N° 2

In view of the foregoing, the Inter-Parliamentary Council decides to take the following measures **to strengthen the synergy between the IPU's action and that of the United Nations with regard to the follow-up to these documents:**

1. **Co-ordination regarding the contents of the Union's questionnaire** on the follow-up to the Plan of Action and the subject-matter of the requests of the United Nations with reference to Part VII of the Beijing Platform for Action (women in power and decision-making process);
2. **Contribution of the Inter-Parliamentary Union to the preparatory process** (*prepcom*) of the Special Session of the United Nations General Assembly;
3. **Co-ordination with regard to the reports on national action** which will be presented, on the one hand, at the Special Session of the United Nations General Assembly and, on the other, to the Inter-Parliamentary Council in the year 2000;
4. **Participation of a parity delegation (two persons) of the Inter-Parliamentary Union** in the Special Session of the General Assembly;
5. **Inclusion of MPs** in national delegations to the Special Session of the General Assembly;

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<sup>3</sup> 1. Women and poverty; 2. Education and training of women; 3. Women and health; 4. Violence against women; 5. Women and armed conflict; 6. Women and the economy; 7. Women in power and decision-making; 8. Institutional mechanisms for the advancement of women; 9. Human rights of women; 10. Women and the media; 11. Women and the environment; and 12. The girl child



6. **Holding of a UN/IPU joint meeting on the occasion of the Special Session of the General Assembly**, on the theme « democracy through partnership between men and women in politics », in which government and parliamentary representatives will participate;
7. **Providing the United Nations** (which is due to publish by the end of 1999 statistics and indicators on the situation of women in the world) with statistical and other data concerning women's participation in political life;
8. **Co-ordination regarding follow-up to recommendations** emerging from the General Assembly and the Inter-Parliamentary Council.

**CONSTRUCTION OF A NEW HEADQUARTERS  
FOR THE UNION IN GENEVA**

1. The Inter-Parliamentary Union currently occupies a mansion which the State and Canton of Geneva makes available for a low rent.
2. This 18<sup>th</sup> century house, while very elegant, is nevertheless not very large. Over the years, all the possibilities for enlargement of working space, particularly by converting the attics, have been used. Since the building is listed, no extensions can be added. The Union is already having to use other premises, for example to store its records, for which it pays additional rent.
3. The question of the Union moving to another building arose several years ago. The very advantageous conditions offered by the Geneva authorities which are keen to facilitate the establishment of international organisations in Geneva, had prompted the Union to consider building a Headquarters which it would own.
4. In 1995, the Executive Committee having reacted favourably in principle to this idea, the Secretary General had included the construction of a new Headquarters for the Union which would be called the « House of Parliaments » in a major urban development project in the zone where the United Nations has its Headquarters.
5. The need to tackle other questions and priority issues such as the opening of the Liaison Office with the UN in New York kept this project on the back burner.
6. The concern to ensure the necessary material conditions for the proper working of the Union at a time when it is developing and asserting itself on the international scene is more than ever valid today and makes it urgent to address this question. This is all the more true since many organisations are taking advantage of the very interesting conditions offered by the Swiss authorities and have undertaken construction of new buildings or the expansion of existing facilities. Therefore, well-located land is becoming scarce, as are the possibilities of financing available to the Property Foundation for International Organisations (FIPOI).
7. On the initiative of the President of the Inter-Parliamentary Council, contacts have been resumed with the competent authorities and reveal the following:

**Facilities that could be granted by the Swiss authorities for the construction of a new Headquarters**

*Land*

8. The Republic and Canton of Geneva can make land available to the IPU where it could build its Headquarters. In principle, this would be freehold normally granted for a period of 60 years after which the building would become the property of the State of Geneva. These basic conditions are open to negotiation. The period of 60 years can be extended; expansion of the original building would also lead to an extension of the 60-year period; the right of usufruct on the building for a certain period after ceding it to the State can also be envisaged.

### ***Financing***

9. FIPOI could grant the IPU, for the construction of its Headquarters, an interest-free loan reimbursable over 50 years, with equal annual repayments. The reimbursement of the loan would commence at the end of year in which the new premises were occupied.

10. The construction costs for an adequate building can be estimated at between SF. 7 and 9 million. The reimbursement of a FIPOI loan for such financing would amount to SF. 140,000 to SF. 180,000 annually. This figure would be increased by a sum that remains to be determined for the constitution of a fund to cover maintenance and renovation costs.

11. Currently the Union's annual rental costs for its Headquarters and external storage space for its archives amounts to SF. 92,600. If the IPU were to rent similar premises at current commercial rates, it would have to pay at least twice as much, and its current rental expenses would have to be quadrupled if the IPU were to rent premises as envisaged for the new building.

### **Time-table for carrying out the project**

12. On the assumption that the Union's governing bodies take a favourable decision on this project in Windhoek, it would be possible between the time of the Windhoek and Moscow Conferences to obtain an official reply from the federal authorities which must authorise the financing, to identify a plot of land, to negotiate the conditions and establish the juridical form of the project, and lastly to define the practical operational details. Then, after the final decision is taken by the Union and the Swiss authorities, the project would be carried out according to the following time-table:

- |   |                      |
|---|----------------------|
| (a) Competition between architects or between construction companies and choice of winner : | 6 months             |
| (b) Establishment of the project and launching of a public enquiry :                        | 3 months             |
| (c) Procedure for building permit; tendering and establishment of the final cost:           | 6 months             |
| (d) Construction work :   | from 12 to 18 months |

**PARLIAMENTARY ACTION TO SECURE THE ENTRY INTO FORCE AND  
IMPLEMENTATION OF THE OTTAWA CONVENTION BANNING  
ANTI-PERSONNEL MINES**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162<sup>nd</sup> session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring to the resolution entitled « Respect for International Humanitarian Law and the Banning of Anti-personnel Mines », adopted at its 161st session held in Cairo in September 1997,*

1. *Welcomes* the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, on the occasion of the Global Ban on Landmines: Treaty Signing Conference and Mine Action Forum, held in Ottawa from 2 to 4 December 1997;
2. *Urges* all Governments and Parliaments to take the necessary steps for the earliest possible ratification of the Convention so as to ensure the early entry into force of the treaty, and to work for the adoption of the requisite national enabling legislation and regulations to secure full respect for its provisions;
3. *Reiterates its call* to all States and other parties to armed conflict to contribute on an ongoing basis to international landmine clearance efforts, and *once again encourages* States to fund the United Nations Voluntary Trustee Fund for Mine Clearance;
4. *Further reiterates its call* to the governments and parliaments of the countries concerned to take further action to promote mine-awareness programmes (including gender- and age-appropriate programmes), thereby reducing the number and alleviating the plight of civilian victims;
5. *Likewise repeats its call* to the governments and parliaments of the countries concerned to release appropriate resources for the treatment and rehabilitation of landmine victims;
6. *Urges* IPU members to provide detailed responses to the questionnaire addressed to them by the Committee to Promote Respect for International Humanitarian Law so that this subsidiary body may submit to it, at its 163rd session (Moscow, September 1998) a full report assessing national parliamentary action on the anti-personnel mines.

**DECLARATION ON  
DECLINING OFFICIAL DEVELOPMENT ASSISTANCE (ODA)  
AND FINANCIAL AID IN GENERAL**

*Adopted without a vote by the Inter-Parliamentary Council at its 162<sup>nd</sup> session  
(Windhoek, 6 April 1998)*

Official Development Assistance (ODA) has been declining at an alarming rate. Rather than closing the gap with the target of 0.7 per cent of Gross National Product (GNP) set by the international community as far back as 1972 and reaffirmed at the United Nations Conference on Environment and Development (UNCED) in 1992, overall ODA has fallen from an average of 0.35 percent of GNP in the early 90s to less than 0.25 per cent today. In absolute terms, ODA has decreased during the last seven years by 25 percent, falling from a high of 60 billion dollars in 1990 to 45.5 billion dollars in 1997.

This decrease is the result of many factors. The political commitment to aid in donor countries is being challenged by chronic fiscal pressures compounded in many countries by high rates of domestic unemployment. The end of the Cold War has done away with security and ideological justifications for aid. A perception of aid dependence among the poorest countries and growing scepticism generally of past effectiveness of aid in promoting development and reducing poverty are further additions to the list of disincentives. Changes in fundamental development theories have also played their role. The shift in beliefs from development being equated with growth and led by public sector planning efforts towards more complex, multidimensional concepts of development as being people-centred, participatory and market-driven has led to uncertainty about the most appropriate role of aid. In short, there is a crisis in confidence in the utility of aid.

The decline in ODA is cause for very serious concern. ODA is an essential source of funding for many developing countries and particularly in the area of social development cannot be replaced by private financial flows. And it is at the core of the commitments made by States at the several world conferences held this last decade addressing sustainable development. While States have agreed that funding for the implementation of *Agenda 21* and other international commitments towards sustainable development should mainly come from countries' own public and private sources, they have also reaffirmed time and again the need to mobilise and provide new and additional, adequate and predictable financial resources to meet the targets of poverty reduction, protection of the environment and economic growth.

Beyond financial concerns, decreasing ODA has serious political repercussions on the possibility to forge international consensus on sustainable development in the future and, in particular, on its environmental aspects. The Special Session of the United Nations General Assembly in June 1997 (Rio+5) to make an overall review and appraisal of the implementation of *Agenda 21* provides one example where lack of progress on financing of sustainable development had a noticeable negative effect.

Hence, the urgent need to reverse the decline in ODA. This will require pursuing strategies which aim at improving the performance of development assistance and restoring donor support for ODA. We propose that national Parliaments launch a debate in plenary on the subject of declining ODA with a view to fostering a broader public understanding and support for official development assistance and consequent government action. Such a debate should focus on the following parameters for the future direction of aid :

- (i) The development goal of Official Development Assistance, implicit in its very name but often obscured by a narrow view equating development with growth, must be reasserted. We need to repeat that the ethical case for ODA rests ultimately on aid's ability to alleviate poverty, for this and future generations. To that end, ODA must address sustainable development conceived as a broad objective based on the need to achieve - in an integrated and mutually supportive way - the triple goals of economic growth, social progress and equity, and the protection of the environment. By definition, these goals must prevail over short-term commercial or partisan motivations.
- (ii) At the same time, overall effectiveness of ODA must be improved. Both donor and recipient countries need to ensure that existing ODA funding is used in the most effective and efficient way and that it contributes to economic growth, social development and environmental protection in the context of sustainable development. More effective use of ODA is essential in overcoming current donor fatigue and in promoting political support for increase of ODA levels by the governments and general public in donor countries.
- (iii) To achieve these objectives, sustainable development and therefore also the use of ODA must be driven by domestic priorities. Aid projects have the best chance of succeeding when they are the result of a broadly based participatory process in which the political leadership, the agencies of the State and civil society agree on desirable policy changes and translate them into parameters of policy and administration which are generally accepted.
- (iv) Similarly, development projects should be implemented in the context of sound economic, social and environmental policies. Recipient States need to develop a sound policy framework and transparent, participatory and effective national institutions. While growth is necessary for poverty reduction, it will not achieve this result unless it occurs in an environmentally sustainable manner and within an institutional and policy framework which ensures that the benefits of growth are equitably shared.
- (v) Governments in both donor and recipient countries, as well as international financial institutions, need to ensure greater transparency with regard to the objectives of aid programs and the consistency of actual allocations and end uses with those objectives. Greater accountability in determining the objectives of aid and in the allocation of resources will help reduce donors' use of tied aid, and recipients' use of aid for short-term political and economic gains.
- (vi) ODA should be better targeted to the least developed countries and to those sectors in developing countries and countries in transition which do not benefit from adequate funding from various private sources, both domestic and external. Such sectors where the primary goal is to achieve human development are usually in the social area, particularly education, health, and poverty eradication, as well as environmental protection in many cases.
- (vii) ODA can be instrumental in covering incremental costs of national actions and policies aimed at achieving global environmental benefits, in particular actions aimed at the implementation of goals and objectives of various international conventions. Bearing in mind the overarching role played by the Global Environment Facility (GEF), governments have the responsibility to ensure the adequate replenishment of the Facility as well as to identify ways and means to improve access to its resources. Furthermore careful consideration has to be given to the scope of GEF's programme activities.
- (viii) There is a need for more systematic use of donor-recipient dialogues and more effective co-ordination among the donors themselves in order to ensure that ODA meets national priorities and, at the same time, facilitates the achievement of specific goals agreed at the international level. There also seems to be a need to improve greater policy coordination and

collaboration between bilateral and multilateral donors, including international financial institutions, and various funding and technical co-operation activities carried out by the organizations of the United Nations system, as well as by NGOs.

- (ix) A most promising mechanism for donor-recipient co-ordination is a clear, recipient-driven strategy for sustainable development. National and sectoral sustainable development strategies can serve as the basis for designing funding programs using both domestic and international financial resources, including ODA.
- (x) There is also a need to explore and foster new approaches to the uses of ODA. This includes consideration of the possibility of further shifting the ODA financing from funding specific projects towards supporting broader goals of national policy reform aimed at sustainable development, including the need for addressing possible short-term social implications of such reforms. Furthermore, there are discussions regarding the role that ODA can play as a catalyst for leveraging private investment in support of sustainable development.
- (xi) Within the broad context of ODA, the problem of indebtedness of the poorest and the most indebted developing countries, must also be addressed. In addition to traditional mechanisms such as commercial bank debt buybacks and more innovative ones such as debt-for-nature swaps or debt-for-social-development swaps, particular mention should be made here of the Debt Initiative for Heavily Indebted Poor Countries (HIPC), a joint World Bank and IMF initiative now being implemented.
- (xii) A comprehensive policy regarding the financing of sustainable development must also address the issue of subsidies and particularly those that lead to unsustainable development. Existing subsidies will need to be made more transparent, examined in parliament, reformed, and as the case may be, removed. At the same time, support will have to be provided to the most vulnerable affected groups.
- (xiii) ODA is not a form of charity. In many cases ODA provides an important long-term service for the tax payers in donor countries themselves. By addressing urgent social needs, particularly the need to eradicate poverty, ODA can play an important role in avoiding potentially dangerous social dislocation which, in turn, can lead to national and regional conflicts. ODA, as shown above, can play a crucial role in ensuring that all countries join efforts aimed at addressing global environmental problems which, otherwise, can not be effectively dealt with by developed countries acting alone.

**A. CONCLUSIONS AND RECOMMENDATIONS OF THE CONFERENCE ON  
« CONTRIBUTION OF PARLIAMENTS TO DEMOCRACY IN AFRICA »**

(Harare, 1 and 2 April 1998)

**I. Role and functioning of Parliament in Africa and its contribution to the strengthening of the democratisation process**

**Conclusions**

Parliament is an important institution which gives rhythm to and organises democratic life. The main characteristics of a democratic society are particularly the existence of representative institutions through the organisation of free, fair and transparent elections at regular intervals, the guarantee of civil, political and social rights, the respect of human rights and the existence of free political organisations and/or parties.

Democracy is an evolving process and parliament has a key role to play in democracy education, starting with its own organisation and its own functioning. At the level of parliaments, this democracy is reflected in:

- Their juridical status (independence vis-à-vis the Executive, statutory, financial and administrative autonomy, police and security autonomy);
- Their powers of legislation and oversight of government action;
- The parliamentary mandate (free mandate and parliamentary immunity);
- The use of compromise among political forces and within them and the way committees and other organs are constituted.

Africa has its own specificities and traditional values which must be taken into consideration in the fostering of democracy.

Impediments to the development of democracy are in particular - at the internal level - tribalism; the citizens' and leaders' lack of democratic culture; the personalization of power; illiteracy; economic difficulties; poverty; corruption; religious intolerance. At the external level they are the failure to adjust the Western democratic model to African national realities; support for undemocratic regimes; inadequate assistance towards the consolidation of democracy.

**Recommendations**

Following the conclusions, participants recommended that African Parliaments work more towards the achievement of the following goals:

**1. Independence of Parliament from other arms of government**

It is crucial that Parliament should be able to oversee government action and promote an accountable and transparent system of governance. In this regard, Parliaments must be encouraged to review and reinforce mechanisms that will allow them to be more effective. Furthermore, the environment in which the opposition works must be improved. It must have at its disposal enough juridical and material means. Parliamentarians, whether they are from the ruling parties or from the opposition, must enjoy parliamentary immunity so that they can work freely and represent all the people. To ensure greater transparency, citizens must have access to information about all public activities. The media have a crucial role to play in this regard.



**2. Strengthening of Parliaments in human and material means**

Parliaments must have enough human and material resources to work efficiently. To that end, it is recommended that national budgets should make provisions for more funds for parliaments, and inter-parliamentary organisations, such as the Inter-Parliamentary Union, should work more closely with developed countries and international institutions in order that they may make available more resources for the strengthening of Parliaments in particular, and the democratisation process in African countries, in general.

**3. The participation of the people in decision-making**

This requires electoral laws which ensure free, fair and transparent elections. This also implies the establishment of a true partnership between men and women in the running of public affairs where they act on the basis of equality and complementarity, learning from each other's differences. Moreover, all components of the Nation must be represented in all State institutions, especially within Parliament. Activities organised by civil society organisations must be supported in order to ensure their involvement in the democratic process.

**4. Fight against social problems**

In their work, Parliaments must give priority to efforts to fight all the problems plaguing a number of African countries, such as ignorance, illiteracy, corruption, violence, intolerance and terrorism.

**5. Promotion of a culture of democracy**

Parliament must contribute actively to the promotion of a democratic culture which fosters respect for human rights and fundamental freedoms (freedom of expression, of association and of meetings), equal opportunity, tolerance, peaceful co-existence within multi-ethnic societies and the guarantee of an independent and impartial judicial system.

**6. Socio-economic development**

Parliament must work towards socio-economic development so as to alleviate poverty and satisfy the people's basic needs. In short, it must contribute to the creation of an economic environment conducive to a democratic culture which is constantly enriched through education and other cultural and information means.

**II. Strengthening of the Union of African Parliaments as a mechanism for inter-parliamentary co-operation in Africa**

**Conclusions**

The Union of African Parliaments is a continental inter-parliamentary organisation which provides a forum for the contribution of African Parliaments to the solution of problems in Africa.

Financial and functional constraints have been impediments to the work of the UAP at continental level.

## **Recommendations**

Efforts should be made to achieve the following objectives:

1. Encourage parliaments which are not yet members to join the Union;
2. Strengthen and modernise the Secretariat General;
3. Member Parliaments should honour their statutory, especially financial obligations;
4. Strengthen ties with the OAU, agencies of the United Nations family and inter-parliamentary organisations;
5. Urge donors to extend support to the Union of African Parliaments so as to assist it in achieving its objectives.

## **B. HARARE DECLARATION OF THE UNION OF AFRICAN PARLIAMENTS**

**(Harare, 2 April, 1998)**

Meeting in Harare (Zimbabwe) on 1 and 2 April, 1998, the representatives of member Parliaments of the Union of African Parliaments adopted the present Declaration with a view to revitalising and strengthening the Union of African Parliaments.

1. The African Parliamentary Conference strongly reasserts the importance of the UAP and its indispensable role as a forum for the organization of inter-parliamentary relations.
2. It asserts the continental nature of the UAP as a structure for co-ordination and co-operation among Parliaments of member States of the Organization of African Unity.

It thus appeals to all parliaments of OAU member countries which are not yet members of the UAP to join this organization.

3. The Conference decided that the President and Secretariat General of the UAP should take resolute action to invite African Parliaments which are not yet members to join the Union of African Parliaments.

As concerns the Southern African States, the Conference mandated Zimbabwe to facilitate this action. The Parliament of Zimbabwe accepted this responsibility.

4. The Conference considers that it is essential for action to be taken to strengthen and modernise the Secretariat General of the UAP. This action shall include a plan whose study shall be undertaken by the current President, the Secretariat General and other relevant organs of the UAP.
5. As the expression of the parliamentary movement on the African continent, the UAP should be integrated within the inter-African system of international organizations and should establish close ties with the OAU.
6. The UAP must also establish ties of fruitful co-operation with the agencies of the United Nations family. The Conference appeals to all these agencies and to the Inter-Parliamentary Union to extend support to efforts to revitalise and strengthen the UAP.
7. In the efforts to revitalise the UAP, the Conference recommends that a study be conducted to design a more appropriate system for financing the administration of the UAP. This system should lay emphasis on the need for regular payment of contributions by member Parliaments. Additional measures, including a plan for funding the renovation of the UAP should be studied and implemented.
8. The delegates unanimously hailed the African Parliamentary Conference of Harare as a decisive stage in the development of the UAP.

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

**(Moscow, 6-12 September 1998)**

1. Election of the President and Vice-Presidents of the 100<sup>th</sup> Conference
2. Consideration of possible requests for the inclusion of a supplementary item in the Conference agenda
3. General Debate on the political, economic and social situation in the world
4. Strong action by national parliaments in the year of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights to ensure the promotion and protection of all human rights in the 21<sup>st</sup> century
5. Water: the means required to preserve, manage and make the best use of this essential resource for sustainable development
6. Amendments to the Statutes of the Union
  - (a) Amendment to Article 20.2 of the Statutes
  - (b) Introduction of a new Article 22 in the Statutes

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES TO BE INVITED  
TO FOLLOW THE WORK OF THE 100<sup>th</sup> CONFERENCE AS OBSERVERS**

Palestine

United Nations

International Labour Organisation (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)

United Nations Conference on Trade and Development (UNCTAD)

World Trade Organization (WTO-OMC)

Council of Europe

International Organization for Migration (IOM)

Latin American Economic System (LAES)

League of Arab States

Organization of African Unity (OAU)

Organization of American States (OAS)

Amazonian Parliament

Arab Inter-Parliamentary Union

ASEAN Inter-Parliamentary Organization (AIPO)

Asian and Pacific Parliamentarians' Union

Assembly of the Western European Union (WEU)

Association of European Parliamentarians for (Southern) Africa (AWEPA)

Baltic Assembly

Central American Parliament

Commonwealth Parliamentary Association (CPA)

Consultative Council of the Arab Maghreb Union

European Parliament

International Assembly of French-Speaking Parliamentarians

Inter-Parliamentary Assembly of the Commonwealth of Independent States

Inter-Parliamentary Council against Antisemitism

Nordic Council

Parliamentary Assembly for Black Sea Economic Co-operation

Parliamentary Assembly of the OSCE

Parliamentary Association for Euro-Arab Co-operation (PAEAC)

Union of African Parliaments (UAP)

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

*The Inter-Parliamentary Council authorised its President and the Secretary General to invite one or two leading international organisations to contribute to the study of item 4 of the agenda of the 100<sup>th</sup> Conference (concerning water).*

## FUTURE MEETINGS AND OTHER ACTIVITIES

2 <sup>nd</sup> Thematic Preparatory Meeting for the III <sup>rd</sup> CSCM	EVORA (Portugal) 25 and 26 June 1998
82 <sup>nd</sup> session of the Committee on the Human Rights of Parliamentarians ( <i>in camera</i> )	GENEVA (IPU Headquarters) 1 - 4 July 1998
"Third Workshop of Parliamentary Scholars and Parliamentarians" organised by the International Political Science Association of Wroxton College with IPU sponsorship	OXFORD (United Kingdom) 8 and 9 August 1998
<b>100<sup>th</sup> Inter-Parliamentary Conference and related meetings</b>	MOSCOW (Russian Federation) 4 - 12 September 1998
- Executive Committee (227 <sup>th</sup> session)	4, 5 and 10 September 1998
- Meeting of Women Parliamentarians	6 September
- Committee on the Human Rights of Parliamentarians (83 <sup>rd</sup> session) ( <i>in camera</i> )	6 - 11 September
- Inter-Parliamentary Council (163 <sup>rd</sup> session)	7 and 12 September
- Inter-Parliamentary Conference	7 - 11 September
- Committee on the Situation in Cyprus	8 and 10 September
- Committee on Middle East Questions	9 September
- CSCM Meeting	9 September
Asia-Pacific Regional Conference of parliamentarians and media representatives to discuss partnership between them in promoting a culture of peace, organised by UNESCO with IPU sponsorship and hosted by the Thai Parliament	BANGKOK (Thailand) Late October 1998
Meeting of MPs attending the 53 <sup>rd</sup> session of the UN General Assembly	NEW YORK (UN Headquarters) October/November 1998
Information Seminar on the functioning of the Union (French language)	GENEVA (IPU Headquarters) October/November 1998
Specialised Conference co-organised by IPU and FAO on " <i>Attaining the World Food Summit's Objectives through a Sustainable Development Strategy</i> "	ROME (Italy) 29 November - 2 December 1998
Conference organised by UNESCO, with the support of the IPU, to celebrate the 50 <sup>th</sup> anniversary of the Universal Declaration of Human Rights	PARIS (National Assembly and UNESCO Headquarters) 7 - 9 December 1998
84 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians ( <i>in camera</i> )	GENEVA (IPU Headquarters) January 1999

3 <sup>rd</sup> Thematic Preparatory Meeting for the III <sup>rd</sup> CSCM	LJUBLJANA (Slovenia) March 1999
Annual meeting of the IPU Committee for Sustainable Development	GENEVA (IPU Headquarters) March 1999
101 <sup>st</sup> Inter-Parliamentary Conference	BRUSSELS (Belgium) 4 - 10 April 1999
102 <sup>nd</sup> Inter-Parliamentary Conference	BERLIN (Germany) 10 - 16 October 1999
III <sup>rd</sup> CSCM	TUNIS (Tunisia) Second half of 1999
Joint IPU/UNESCO Meeting on the theme « <i>Perspectives on Democracy: Do Women Make a Difference?</i> »	PARIS (UNESCO Headquarters) 2- 4 December 1999
103 <sup>rd</sup> Inter-Parliamentary Conference	AMMAN (Jordan) April/May 2000
Joint IPU/UN Meeting on the occasion of the UN General Assembly Special Session to review and appraise the implementation of the Beijing Platform for Action	NEW YORK (UN Headquarters) June 2000
104 <sup>th</sup> Inter-Parliamentary Conference	DJAKARTA (Indonesia) October 2000
Conference of Speakers of Parliaments	NEW YORK (UN Headquarters) Year 2000



**AMENDMENTS TO THE STATUTES AND RULES OF THE UNION**

- 1. Amendment to Article 20.2 of the Statutes** (on which the Council expressed a favourable opinion at its 162<sup>nd</sup> session):

20.2. The retiring President shall not be eligible for re-election for three years and shall be replaced by a person belonging to another National Group. An endeavour will be made to ensure a regular rotation between the different geo-political Groups. »

- 2. Amendment of Rules 5.9 and 5.10 of the Financial Regulations** (adopted by the Council at its 162<sup>nd</sup> session):

9. When the affiliation of a National Group is suspended because the Parliament of the country concerned has ceased to function, any arrears of contributions owed by that Group shall be written off.

10. A National Group whose affiliation was suspended for failure to meet its financial obligations towards the Union shall remain accountable for these arrears. Should such a Group subsequently present a request for reaffiliation, it shall pay, at the time of its reaffiliation, at least one-third of the outstanding arrears and shall present a plan for the settlement of the full remaining amount over a reasonable period of time. Until the full sum is paid, this amount shall remain as a special debt and shall not be considered as arrears under the terms of Articles 4.2 and 5.2 of the Statutes.

- 3. Proposal of the Executive Committee to introduce the following new Article 22 in the Statutes** (remaining paragraphs to be re-numbered accordingly):

22. A Meeting of Women Parliamentarians shall be held on the occasion of each session of the Inter-Parliamentary Conference and shall report on its work to the Inter-Parliamentary Council. This Meeting shall establish its own Rules which shall be approved by the Inter-Parliamentary Council. The Meeting is assisted by a Co-ordinating Committee whose Rules it shall approve.

- 4. Proposal of the Executive Committee to amend Rule 3 of the Financial Regulations by adding the following new paragraph 8:**

8. Should the Council reject the draft budget proposed by the Executive Committee, it shall either designate a balanced working group to study the question and submit a revised draft budget, possibly extending its sitting for that purpose, or shall decide to convene extraordinary sessions of the Executive Committee and Council before the end of the year in question in order to find a solution and adopt the budget.

*(The amendments in paragraphs 3 and 4 above will be sent to all National Groups shortly after the Windhoek session, under the terms of Article 27 of the Statutes. It will be for the Council and Conference to consider them at their sessions in September 1998.)*

**REPORT OF THE COMMITTEE  
TO MONITOR THE SITUATION IN CYPRUS**

*Rapporteur: Mr. Hannu Kemppainen (Finland), President of the Committee*

*Approved by the Inter-Parliamentary Council at its 162<sup>nd</sup> session  
(Windhoek, 11 April 1998)*

**I. WORK OF THE COMMITTEE**

1. The Committee to Monitor the Situation in Cyprus held its XIVth session in Windhoek from 7 to 9 April 1998. The following persons took part in the session: Mr. H. Kemppainen (Finland), President, Mr. J. Baumel (France), Vice-President, Sir Peter Lloyd (United Kingdom), Mrs. Y. Loza (Egypt), Mr. L. McLeay (Australia) and Mr. S. Pattison (Ireland).

2. The Committee examined developments in the situation in and regarding Cyprus since September 1997, the date of its latest report on the issue to the IPU Council. To this end, following its previous practice, it examined information received in writing and held three hearings.

3. The Committee heard separately on Tuesday, 7 April 1998:

- For the **Greek Cypriot** side: Mr. N. Anastasiades, (DISY), Deputy Speaker of the House of Representatives of the Republic of Cyprus and Leader of the Cypriot delegation to the 99<sup>th</sup> Inter-Parliamentary Conference, and Mr. A. Philippou, MP (AKEL), member of the delegation;
- For the **Turkish Cypriot** side: Mr. H. Atun (Democratic Party), Mr. V. Z. Serter (National Unity Party), Mr. U. Ustel (Democratic Party), Mr. O. Murat (Republican Turkish Party) and Mrs. G. Bozkurt (Communal Liberation Party).

4. According to its practice, the Committee heard jointly, also on Tuesday 7 April 1998, the following representatives of the Parliaments of the three Guarantor Powers established by the Treaty of Guarantee of 1960:

- For **Greece**: Mr. T. Stathis (PASOK), member of the Chamber of Deputies and Leader of the Greek delegation to the 99<sup>th</sup> Inter-Parliamentary Conference, and Mr. S. Tsitouridis (New Democracy Party), member of the Chamber of Deputies;
- For **Turkey**: Mr. I. Köksalan (ANAP), member of the Grand National Assembly, President of the National Group and Leader of the delegation of Turkey to the 99<sup>th</sup> Inter-Parliamentary Conference;
- For the **United Kingdom**: Mr. D. Marshall (Labour Party), member of the House of Commons, President of the National Group and Leader of the United Kingdom delegation to the 99<sup>th</sup> Inter-Parliamentary Conference.

5. The Committee had before it memoranda and communications presented by the representatives of the two Communities on developments in and regarding Cyprus since September 1997, memoranda submitted by the representatives of the three Guarantor Powers on developments in and regarding Cyprus since September 1997, information on the good offices mission of the United Nations Secretary-General concerning Cyprus, and information on developments in connection with the request for accession by the Republic of Cyprus to the European Union. The Committee also benefited greatly

from a social event generously hosted on 7 April by Ms. Loza, in which all of the Committee's interlocutors and the UN Under-Secretary General for Political Affairs took part.

## II. MAIN DEVELOPMENTS SINCE SEPTEMBER 1997

6. The **main highlights of the last six months** are the European Council's decision in December 1997 to begin accession negotiations with the Republic of Cyprus on the basis of the application for membership lodged on 4 July 1990, and the actual initiation of the process on 30 March 1998. The Council decided to convene a bilateral intergovernmental Conference in the spring of 1998 to begin negotiations with Cyprus on the conditions of its entry into the EU and the ensuing Treaty adjustments.

7. In December 1997, the **European Union** reiterated: « The **accession of Cyprus** should benefit all communities and help to bring about civil peace and reconciliation. The accession negotiations will contribute positively to the search for a political solution to the Cyprus problem through the talks under the aegis of the United Nations which must continue with a view to creating a bi-communal, bi-zonal federation ». The Committee is however bound to note that, following the EU's decision, the tension increased in Cyprus and also between Turkey and Greece.

8. The Turkish Cypriot side - claiming that the Government of the Republic of Cyprus does not represent the entire population of the Island and has no legitimacy to speak on behalf of the Turkish Cypriots since they have not been involved in the institutions of the Republic for the last 35 years - is boycotting the process of accession to the EU and refuses any involvement, under the suggested terms, of Turkish Cypriots in the Cypriot negotiating team with the EU. It states that the EU decision has only helped to destroy the framework for a federal settlement which had emerged through the process of intercommunal negotiations and that « the EU decision, by denying the UN parameters, has rendered meaningless the UN Secretary-General's good offices mission ».

9. The Turkish Cypriot side reiterates that Cyprus cannot become a member of any international organisation of which Turkey and Greece are not members, and « objects to EU membership prior to a settlement » of the Cyprus problem. Protesting any steps « demoting the Turkish Cypriot people to minority status », it demands that negotiations regarding the Cyprus issue be carried out « between two States » from now on. It may be recalled very firmly, however, that the international community does not recognise the self-proclaimed « Turkish Republic of Northern Cyprus (TRNC) » and that **the only framework for the settlement of the Cyprus issue is that defined by the United Nations**, namely: a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation, and such a settlement must exclude union in whole or in part with any other country or any form of partition or secession.

10. In this context, threats of uniting northern Cyprus to Turkey were repeated and steps to implement the Joint Declaration of 6 August 1997 establishing an Association Council between Turkey and the unrecognised « TRNC », and the ensuing Co-operation Protocol of 12 January 1998, were initiated. This would clearly be contrary to the 1960 Treaty of Guarantee and the UN framework for the settlement.

11. In contrast, Greece states that it does « not regard the solution of the Cyprus problem as a precondition for the accession of Cyprus to the EU, even though we very much hope to see Cyprus joining the Union as a united, bizonal and bicomunal federation. If this is not possible, the whole of Cyprus will formally become part of the European Union ». It argues that Cyprus' accession to the EU forms an integral part of the general European architecture on enlargement and opposes « any efforts that would aim to differentiate for political reasons Cyprus and her Government in relation to the rest of the applicant countries ». It claims that « the prospect of accession to the EU offers a unique opportunity to solve the political problem of the Island. » It asserts that « the accession of Cyprus will foremost benefit the Turkish Cypriots. » It further asserts that « backed up by strong institutional guarantees, the Turkish Cypriots would thrive in a demilitarised federal Republic, which would be an

EU member. A wide net of European institutions applying the EU's principles would foster security, safeguard the cultural, religious and national heritage of the totality of Cypriots and create a common interest in the viability of the Federation. » These views are very much those of the delegation of the Republic of Cyprus.

12. In December 1997, the European Council laid down the following **principles and criteria for prospective members**: "A common commitment to peace, security and good neighbourliness, respect for other countries' sovereignty, the principles upon which the European Union is founded, the integrity and inviolability of external borders and the principles of international law and a commitment to the settlement of territorial disputes by peaceful means, in particular through the jurisdiction of the International Court of Justice in the Hague. Countries which endorse these principles and respect the right of any European country fulfilling the required criteria to accede to the European Union and sharing the Union's commitment to building a Europe free of the divisions and difficulties of the past will be invited to take part in the Conference ». The Council further stated that while « the political and economic conditions allowing access negotiations to be envisaged (were) not satisfied » as far as Turkey was concerned, « strengthening Turkey's link with the European Union also (depended) on that country's ... support for negotiations under the aegis of the U.N. on a political settlement in Cyprus on the basis of the relevant U.N. Security Council resolutions".

13. In December 1997, the European Council requested « that the willingness of the Government of Cyprus **to include representatives of the Turkish Cypriot community in the accession negotiating delegation** be acted upon. In order for this request to be acted upon, the necessary contacts will be undertaken by the Presidency and the Commission. » The responses from both sides were as follows:

1. On 12 March 1998, Mr. Clerides made a call to the Turkish Cypriot Community to join the delegation that will be conducting the accession negotiations with the EU. In the hearing by the Committee, the delegation of the Republic of Cyprus suggested that, as per the 1960 Constitution, the delegation could be formed on a 7 to 3 basis and, in its memorandum it stated that Turkish Cypriot participation should be such as not to imply recognition of the self-proclaimed State and that those participating in the delegation should be persons supporting Cyprus' accession to the EU. For its part, Greece stated to the Committee that « Turkish Cypriot participation in the Cypriot negotiations team is not a condition for accession, although it could prove beneficial » and said that it supported such participation « provided that: (i) The talks be conducted between the EU and the internationally-recognised Government of the Republic of Cyprus; (ii) The procedures decided upon constitute neither a direct nor an indirect recognition of the pseudo-State or its "authorities"; furthermore, they should not demote the Government of the Republic of Cyprus to the level of a community; and (iii) The Turkish Cypriot participants explicitly accept Cyprus' European perspective and are committed to work for accession to the EU. »
2. On 14 March 1998, Mr. Denktash stated that they did not agree to call a delegation from southern Cyprus the Cyprus delegation and argued that, since for the past 35 years there has not been a government in Cyprus representing both peoples of the Island, Mr. Clerides has no right or competence to take part in the said conference on behalf of Cyprus and to extend such an invitation. The Turkish Cypriot side further decided « to halt contacts with EU officials as long as they continued to deny the equal rights and status of the Turkish Cypriot people ». The Turkish Cypriot officials further refused to meet with EU Commissioner for External Relations, Hans van den Broek, and the representative of EU Presidency, Sir David Hannay, when they visited Cyprus in the middle of March 1998.

14. The Committee strongly urges the EU to continue to strive to involve the Turkish Cypriot Community in the accession negotiations **on the basis of the UN agreed framework for the settlement which acknowledges the existence of two politically equal communities**.

15. On the other hand, the delivery by the Russian Federation of **the defensive S-300 anti-aircraft system** purchased in 1996 by the Republic of Cyprus was not cancelled. This is in fact a matter for

grave concern since, as explained in previous reports of the Committee, this purchase raised considerable tension between the Greek Cypriots and the Turkish Cypriots and between Greece and Turkey, and Turkey threatened to use force to prevent the deployment of this armament. The IPU repeatedly urged the Government of the Republic of Cyprus « to reverse its decision to purchase and deploy the S-300 anti-aircraft missiles and to refrain from any further acquisition of armaments, in order to ease the way to a politically negotiated settlement. » It may also be noted that the US expressed strong opposition to the S-300 missile purchase and deployment. The Greek Cypriot side explained once again that the missiles were purchased to balance the Turkish military arsenal on the island, as was the sovereign right of the Republic of Cyprus, and that progress in the settlement will determine whether or not they should be deployed. They insisted that « the proposal of President Clerides for demilitarisation of the island is still valid although Turkey has rejected it. »

16. **No progress was registered with regard to the withdrawal of Turkish troops from northern Cyprus.** Furthermore, the **dialogue on military issues** carried out in the last quarter of 1997 between the two Cypriot Leaders under the auspices of UNFICYP did not produce any results, each side rejecting on the other the responsibility for this failure. Obviously, these facts are a matter for very serious concern as the progressive demilitarisation of the Island - probably the most militarised spot on the globe currently - should be a priority, as was repeatedly stated by the Security Council and the IPU Council, in the belief that progress towards a politically negotiated settlement is dramatically linked to progress in this area too.

17. As a matter of fact, since September 1997, **successive incidents and developments** took place, contributing to further escalation of the political and military tension and exasperating Cypriots in both parts of the Island:

- ◆ The Greek Cypriot side quoted violations of Cyprus' airspace on 15 September 1997, between 30 September and 14 October, on 3 and 4 November as well as on 12 January 1998, and stated that, in addition, on October 16 and 17, twelve self-propelled artillery units were allegedly brought to northern Cyprus through Famagusta.
- ◆ The Turkish Cypriot side quoted Greek/Greek Cypriot joint military exercises between 10 and 14 October 1997 « with the participation of combat aircraft and war ships from Greece », in violation of the overflight moratorium which was agreed upon by Turkey and Greece through the intermediary of the United States of America ». It also indicated that the military escalation « reached its peak on 24 January 1997 » as the new Paphos military air base in south Cyprus became operational « for use by the Greek air force as part of the so-called 'joint defence doctrine' » .

18. In September 1997, the IPU Council had welcomed some progress with regard to **contacts at the level of civil society**, particularly the chambers of commerce, professional organisations and trade unions in addition to non-governmental organisations, and it had strongly encouraged the further development of such contacts as a path to releasing the tension and building the confidence that is indispensable to progress towards a negotiated settlement. The Committee however noted with great concern reports that « Mr. Denktash had reverted to an attitude of outright obstruction » and suspended intercommunal contacts and that the Turkish Cypriot authorities require those crossing into the northern part to present passports or identity cards and pay a visa fee.

19. In September 1997, the IPU Council had also reiterated its encouragements to **all political parties in Cyprus** to pursue and develop the practice of holding joint meetings. It was however bound to note that no progress was made in the current context, which is most unfortunate since **such political contacts would be particularly welcome and crucial to help bridging the existing gap.**

20. The delegates of the Republic of Cyprus denounced the « systematic **destruction of the cultural and religious heritage** » in the northern part of Cyprus, in particular plans to convert the Armenian Monastery of St. Makar into a hotel. The Turkish Cypriot representatives assured the Committee that the latter matter was being carefully looked into and the Committee urges that this plan, which, be it for religious or other reasons, hurts the feelings of Cypriots, be abandoned

21. A positive note concerns **the issue of missing persons** as, on 23 January 1998, an exchange of information took place between the representatives of the two sides in the presence of the UN Secretary-General's Deputy Special Representative in Cyprus; following this, steps were taken for the appointment of a new third member to the Committee on Missing Persons in Cyprus (CMP). The Committee can only hope that this painful matter will finally be clarified.

22. Finally, it should be mentioned that **intensive diplomatic efforts** were made in the last few months to overcome the current dangerous deadlock: the Special Advisor for Cyprus of the UN Secretary-General, Mr. D. Cordovez, visited Athens, Ankara and Nicosia in November 1997 and again in March 1998; a further visit is to take place in May. The Representative for Cyprus of the European Union Presidency for Cyprus, Sir David Hannay, the Representative of the Russian Federation, Mr. Chisov, and the US Representatives, Mr. Holbrooke and Mr. Miller, also visited Cyprus.

**CASE N° ARG/20 - RAMON EDUARDO SAADI - ARGENTINA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)***

The Inter-Parliamentary Council,

*Having before it* the case of Mr. Ramón Eduardo Saadi, of Argentina, 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/161/11(a)-R.1), which contains a detailed outline of the case,

*Considering* that by virtue of Article 54 of the Constitution of Argentina, as amended in 1994, each Province is represented in the Senate of the Nation by three Senators of whom two represent the party winning the majority of votes and one the party that obtained the second highest number of votes; that, according to transitory provision N° 4, the candidates are to be proposed by the political parties or political alliances, fulfilment of the legal requirements being certified by the National Electoral Jurisdiction; that Senate members are thus no longer elected, as before, by the Legislative Assembly of each province,

*Considering* that, according to the President of the Senate Committee on Constitutional Affairs, the senate election procedure is divided into three stages: first, the political parties or electoral alliances - minority and majority - nominate the candidate; secondly, the national electoral court certifies the conformity of the candidature with legal and statutory requirements; lastly, the certification is communicated to the provincial legislature; that determination of the validity of the election lies solely with the competent national electoral judge; that, the election of the third senator by the minority consequently does not require the consent of the majority of the Legislature; simple nomination by the authorised party and certification by the competent judge suffice,

*Considering* that, in the legislative elections of March 1993 and May 1995, the Justicialist Party obtained the second highest number of votes in Catamarca Province, the alliance of the Civic and Social Front (Frente Cívico y Social) having obtained the majority of the votes; that, consequently, the Justicialist Party had the right to nominate a candidate for the minority seat allotted to Catamarca Province in the national Senate,

*Considering* that, on 20 August 1995, the party elected Mr. Saadi and Mr. Oscar Garbe as titular and substitute minority Senator for the province; that their election was duly certified and notified to the Legislative Assembly, which, by Senate resolution D.R. 597/95, was informed that it had to nominate senators and their substitutes during a single session,

*Considering* that, notwithstanding the above constitutional provisions, the Legislative Assembly met first on 10 October 1995 and subsequently on 9 September 1996 in order to elect the titular and substitute Senators for the majority and the minority; that, in the election of 9 September 1996, the candidates of the Justicialist Party were rejected; that, however, it was placed on record that the rejection of the candidates of the Justicialist Party did not mean that the latter had forfeited its right to nominate the minority Senator for Catamarca Province,

*Considering* that, on several occasions, the Senate Committee on Constitutional Affairs invited the President of the Catamarca Legislative Assembly to submit to it the names of the titular and substitute Senators-elect for the majority and minority parties and recommended that the Senate approve the incorporation of majority and minority Senators for Catamarca Province, most recently in decision O.D. 1136/96; that, however, the Senate, which according to the Constitution is the sole judge of « the validity of the election, rights and capacity of its members ... », did not take action to that end,

*Considering* in this connection that, according to the source, the Senate President publicly declared on several occasions, most recently on 3 July 1997, that he would not administer the oath should the Senator-elect concerned be incorporated; that such reluctance to incorporate Senator-elect Saadi seems to be due to the fact that judicial proceedings are pending against him,

*Considering* that, in his letter of 26 December 1997, the President of the Senate stated that « *it is the competence of Catamarca Province to elect the Senators to represent it* » and that he had not received any decision of the said Province nominating Mr. Saadi for such a distinction,

*Considering* that, in the opinion he gave on the question whether there was a body to adjudicate upon institutional conflicts and give a definitive interpretation of constitutional provisions, the President of the Senate Committee on Constitutional Affairs stated that, although the definitive interpretation of the Constitution rested with the Supreme Court, the latter had repeatedly decreed that it was a basic rule of public law that each of the three branches could apply and interpret the Constitution of its own accord, in the exercise of the specific authority conferred on it by the Constitution; that consequently, in accordance with Article 64, which stipulates that « *each Chamber is the sole judge of the validity of the election, rights and qualifications of its members* », the Court has established in a vast body of case-law that political questions, such as the one in hand, are not subject to judicial review,

*Considering* that, according to the Senate Committee President, there was no institutional conflict as the Senate President may not decide on quorums, participate in debates or express his opinion; that consequently « *without prejudice to the political importance of the views he defends, his personal opinion can neither nullify nor replace the case-law constituted by the decisions of the Senate taken in the latter's exercise of its constitutional authority* »,

*Considering* that, according to the source, on 10 December 1995 the mandate of part of the Senate of the Nation lapsed, leaving Catamarca Province with just one representative instead of three prescribed in the new Constitution,

*Considering finally* that the Republic of Argentina is a party to the International Covenant on Civil and Political Rights and to the American Convention on Human Rights, both of which guarantee the right to participate in government (Articles 25 and 23, respectively),

1. *Thanks* the President of the Senate and the President of the Argentine National Group for their co-operation and for the information they have provided;
2. *Notes* that the Argentine Constitution makes each Chamber « *the sole judge of the validity of the election, rights and qualifications of its members* » and that, according to the jurisprudence of the Supreme Court, the latter has no authority to interpret the constitutional provisions relating to the specific authority conferred on each of the three State branches by the Constitution;
3. *Notes* that the Senate Committee on Constitutional Affairs on several occasions advised the Senate to incorporate Mr. Saadi as titular national Senator and Mr. Garbe as substitute national Senator, considering that the relevant legal requirements had been met;
4. *Notes* that, in the view of the Senate President, it is the competence of the Catamarca Province to elect the Senators to represent it; that, however, according to the legal opinion



supplied by the President of the Committee on Constitutional Affairs, the Senate President may not decide on quorums, participate in debates or express his opinion and consequently his personal opinion « ... *can neither nullify nor replace the case-law constituted by the decisions of the Senate taken in the latter's exercise of its constitutional authority* »;

5. *Expresses therefore its deep concern* at the fact that, despite the recommendation given by the competent Senate Committee to incorporate Mr. Saadi as titular member in the Senate, he has been prevented since 1995 from taking his oath and exercising the mandate entrusted to him, thus depriving the electorate of his party of its constitutional right to be represented in the Senate;
6. *Fears* that this amounts to a violation of the political rights both of Mr. Saadi and of the electorate of his party, and *consequently urges* the Senate - the sole body able to remedy this situation - to respect the recommendation of its Senate Committee on Constitutional Affairs;
7. *Requests* the Secretary General to inform the President of the Senate and the President of the National Group of this decision;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and to report to it at its next session (September 1998), in the hope that it will by then have received notification of Senator-elect Saadi's due incorporation in the Senate.

**BURUNDI**

**CASE N° BDI/01 - SYLVESTRE MFAYOKURERA**  
**CASE N° BDI/05 - INNOCENT NDIKUMANA**  
**CASE N° BDI/06 - GÉRARD GAHUNGU**  
**CASE N° BDI/07 - BIBIANE NTAMUTUMBA**  
**CASE N° BDI/29 - PAUL SIRAHENDA**

<b>CASE N° BDI/02 - N. NDIHOKUBWAYO</b>	<b>CASE N° BDI/18 - D. BIGIRIMANA</b>
<b>CASE N° BDI/03 - L. NTIBAYAZI</b>	<b>CASE N° BDI/19 - T. SIBOMANA</b>
<b>CASE N° BDI/04 - F. BANVUGINYUNVIRA</b>	<b>CASE N° BDI/20 - T. BUKURU</b>
<b>CASE N° BDI/08 - A. NAHINDAVYI NDANGA</b>	<b>CASE N° BDI/21 - S. MUREKAMBANZE</b>
<b>CASE N° BDI/09 - I. KUBWAYO</b>	<b>CASE N° BDI/22 - G. NDUWIMANA</b>
<b>CASE N° BDI/10 - S. NSABUWANKA</b>	<b>CASE N° BDI/23 - C. MANIRAMBONA</b>
<b>CASE N° BDI/11 - I. BAPFEGUHITA</b>	<b>CASE N° BDI/24 - S. NTAKHOMENYEREYE</b>
<b>CASE N° BDI/12 - P. NIZIGIRE</b>	<b>CASE N° BDI/25 - D. NGARUKIRINKA</b>
<b>CASE N° BDI/13 - P. BURARAME</b>	<b>CASE N° BDI/27 - N. NTAHOMUKIYE</b>
<b>CASE N° BDI/14 - S. BIYOMBERA</b>	<b>CASE N° BDI/28 - C. BUCUMI</b>
<b>CASE N° BDI/15 - J. NDEZAKO</b>	<b>CASE N° BDI/30 - A. KIRARA</b>
<b>CASE N° BDI/16 - D. SERWENDA</b>	<b>CASE N° BDI/31 - J.-P. NTIMPIRONGREA</b>
<b>CASE N° BDI/17 - A. NTIRANDEKURA</b>	

**CASE N° BDI/26 - NEPHTALI NDIKUMANA**  
**CASE N° BDI/32 - LEONCE NGENDAKUMANA**  
**CASE N° BDI/33 - AUGUSTIN NZOJIBWAMI**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the above parliamentarians,

*Taking into consideration* the information provided by the Minister of Human Rights, Institutional Reform and Relations with the National Assembly in his letter of 26 March 1998, and of the information provided by the Permanent Mission of Burundi to the United Nations Office at Geneva dated 24 March 1998,

*Taking into consideration* the information provided by one of the sources on 5 and 12 January and 20 February 1998,

*Recalling* that the military coup d'Etat of 25 July 1996 placed Major Pierre Buyoya at the head of the State; that he deposed President Sylvestre Ntibantunganya and suspended the Constitution, political parties and the National Assembly; that the latter was re-established by virtue of Decree-Law N° 1/001/96 of 13 September 1996, albeit with considerably curtailed powers,

*Considering* that, although technically functioning since then, the National Assembly was unable to conduct its business, if only for want of the necessary quorum; that, however, according to the President of the National Assembly, it was able to hold its ordinary session from 6 October to 4 December 1997, which produced two major results, namely the reconciliation of the FRODEBU and UPRONA parliamentary groups and discussions with the Government on the peace process; that the spring session was due to open on 6 April 1998,

*Considering* that, in his letter of 26 March 1998, the Minister for Human Rights also stated that the situation had improved markedly; that both the Government and the National Assembly had agreed to give priority to the peace process and that specific measures could be adopted at the Assembly's spring session regarding its future,

*Considering* in this connection that the Ministry of the Interior and Public Safety, reportedly having later signed and retracted in the space of 24 hours a decree suspending FRODEBU's activities, filed a lawsuit against the decisions of the FRODEBU Congress for having maintained in their leadership persons living outside the country, which contravenes the law on political parties; that the Administrative Chamber put the case *in camera* and is shortly to rule on the admissibility or otherwise of the application,

*Recalling* that, according to information supplied by the President of the National Assembly in September 1997, the political situation prevailing in Burundi has claimed the lives of 33 parliamentarians, 24 of whom belonged to FRODEBU and 9 to UPRONA; that others have been forced into exile and are not returning out of concern for their safety,

*Recalling* the « disappearance » on 1 August 1997 of Mr. Paul Sirahenda, who had returned to Burundi from exile in mid-1997,

*Considering* in this connection that, according to the Minister of Human Rights, « *although Burundi is still at war, the Government is sufficiently in control of the security situation to be able to assert that there is nothing to oppose the return of the self-exiled parliamentarians. Apart from the unfortunate case of Mr. Sirahenda, parliamentarians are today living in satisfactory conditions of security* »,

*Considering further* that, according to the Minister, combating impunity is a priority of the Government of Transition; that it « *involves extensive action requiring considerable resources and the co-operation of all, including parliamentarians. These two conditions not being met, there remain gaps. The Government reaffirms its determination to close them* »,

*Recalling* that Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu and Ms. Ntamutumba, all of whom were elected in 1993 on a FRODEBU ticket, were assassinated on 20 August 1994, 16 December 1995 and in April and May 1996, respectively, and that no serious investigations into these crimes have reportedly been undertaken, thus guaranteeing the attackers total impunity,

*Considering* that as regards the assassination of the above MPs and the « disappearance » of Mr. Sirahenda, the Minister of Human Rights stated that the cases of Ms. Ntamutumba, Mr. Gahungu and Mr. Mfayokurera had been shelved for want of evidence or the impossibility of identifying the culprits; that the Prosecutor General's Office was continuing to search for the killers of Mr. Ndikumana; that Mr. Sirahenda and his driver, who had lost their lives at Makamba, a locality much troubled by armed bands from Tanzania, ought to have taken more measures of prudence and security; that a committee had been set up to identify and punish the criminals; that, however, it was lacking co-operation from parliamentarians claiming that he and his driver had been killed by the military; that, as a result, little progress had been made in the investigations and that « *it would be fitting for the National Assembly to work more closely with the judicial services to make them more effective* »,

*Recalling in this connection* that, according to the sources, Mr. Sirahenda had taken security measures and, for example, changed his itinerary; that there are reportedly many eyewitnesses

in the market town of Mutobo from where he was reportedly taken away in a military jeep sent from Mabanda camp,

*Recalling* that, according to the sources, no serious investigation has been conducted into the attempts on the lives of Mr. Ndiokubwayo, Mr. Banvuginyunvira and Mr. Ntibayazi of September 1994, February 1995 and September 1995, respectively,

*Considering* that, according to the Minister of Human Rights, no complaint has ever been registered by the Judiciary regarding the assassination attempts against Mr. Ntibayazi and Mr. Banvuginyunvira; that, while it was true that the Public Prosecutor could have dealt with these cases as a matter of course, « *it is regrettable to note that parliamentarians Ntibayazi and Banvuginyunvira were unwilling to have recourse to its services in order to identify and punish these dangerous criminals* »; that, as regards Mr. Ndiokubwayo, the investigation was continuing with one parliamentarian asserting that the culprit was abroad and the Judiciary asserting that some of the presumed culprits were in preventive detention, although for different crimes,

*Recalling in this connection* that, according to the sources, police officers some fifty yards away saw everything but failed to react; that, moreover, the attackers were reportedly arrested but later released by the investigating magistrate,

*Recalling* that, according to the sources, politically motivated judicial proceedings are under way against Mr. Ngendakumana, President of the National Assembly, Mr. Nzojibwami, Vice-President of the SAHWANYA-FRODEBU party, and Mr. Nephtali Ndikumana, who is currently in exile,

*Considering* that, according to information supplied by the authorities in March 1998, the investigation on the President of the National Assembly has just been shelved, the Public Prosecutor having concluded that the testimonies against him were dubious, contradictory and even false,

*Considering* that, according to the Minister, Mr. Nzojibwami, Secretary General of FRODEBU, has committed three offences, the first relating to false news he wittingly put out on the BBC in order to disturb the peace, an act punishable under Article 428 of the Burundi Penal Code; that the other two were offences punishable under Article 413 of the Penal Code; that a ruling on the first offence was expected to be handed down shortly,

*Recalling* that, according to the sources, in January 1997 Mr. Nzojibwami denounced on the BBC the policy of forced regrouping of the population in what he called concentration camps,

*Recalling in this connection* resolution 1997/77 of the United Nations Commission on Human Rights (April 1997, E/CN.4/1997/150) in which it states its deep concern at the non-voluntary resettlement of rural populations in regroupment camps and at the human rights violations to which these operations give rise, and urges the Burundi Government to dismantle them; *recalling also* the interim report of the United Nations Special Rapporteur on the human rights situation in Burundi submitted to the United Nations General Assembly in October 1997 (A/52/505), in which he requests the authorities to make an immediate start on dismantling the regroupment camps,

*Considering* that Mr. Ndikumana, Vice-President of the FRODEBU Parliamentary Group and in exile since 12 August 1996, was found guilty *in absentia* on 7 March 1997 of incitement to ethnic hatred for having, in May 1994, made statements (in the Kirundi language), according to the source, to the effect: (a) that all those who had supported and were supporting FRODEBU power were being killed, and all Hutus in general were being massacred, and ethnic cleansing was under way throughout the country, accompanied by looting of the victims' property; (b) that a Balkanisation operation was being carried out in the town; that even the previously intact districts of Kamenge and Kinama had been burned down and that there were no Hutus left; (c) that the intention was to extend the Kamenge, Kinama and Cibitoke plan to the rest of the country to exterminate the Hutus; (d) that countless numbers of people had been killed by the Rwandese in collaboration with their Burundi

brothers, under the indulgent gaze of those meant to be protecting the population; that the wrongdoers mentioned by the Prime Minister were those being massacred at Kamenge, Kinama, Citiboke and elsewhere; that those assertions were to be found in a statement by the FRODEBU Parliamentary Group signed by its Vice-President, Mr. Ndikumana,

*Considering* that the statement in question was reportedly debated in Parliament, Mr. Ndikumana thus having acted in the exercise of his parliamentary duties and consequently his prosecution having been in breach of Article 107 of the Constitution whereby parliamentarians cannot be tried for opinions expressed or votes cast in the course of their duties,

*Considering* that, in his letter of 26 March 1998, the Minister of Human Rights stated that Mr. Ndikumana had been prosecuted for (a) having, in 1994, disseminated material inciting ethnic hatred, (b) having wittingly spread false rumours likely to alarm populations and encourage them to engage in civil war, and (c) having wittingly helped to issue and spread false news with a view to disturbing the peace; that, moreover, Mr. Ndikumana had rejoined the CNDD (National Council for the Defence of Democracy) camp and, according to his statements on foreign radio stations, supported its murderous activities,

*Bearing in mind* that, in his report to the 52nd session of the United Nations Human Rights Commission, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions stated that « *while it cannot be denied that the army has been targeted by Hutu armed groups, it is also true that it is responsible for grave violations of the right to life ...* » and that he referred in this context to killings reportedly perpetrated by the army in the period mentioned by Mr. Ndikumana,

1. *Thanks* the Minister of Human Rights, Institutional Reform and Relations with the National Assembly for the information and observations he provided and for his co-operation;
2. *Also thanks* the Permanent Representative of Burundi to the United Nations Office at Geneva for his co-operation;
3. *Notes with interest* that the National Assembly was able to hold its regular autumn session in 1997 and will resume its work in April 1998, and *hopes* that its involvement in the peace process will indeed contribute to national reconciliation and the advent of a truly democratic system;
4. *Notes with satisfaction* that the charges laid against the President of the National Assembly have been dropped, and consequently *decides* to close his case;
5. *Expresses its deep regret* that the investigations into the murders of Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu and Ms. Ntamutumba and into the death of Mr. Sirahenda and his driver have yielded no result and, in the case of Mr. Mfayokurera, Mr. Gahungu and Ms. Ntamutumba, have even been shelved;
6. *Is surprised* that the prosecution authorities lack information about the death of Mr. Sirahenda since, according to the sources, there are eyewitnesses of Mr. Sirahenda's abduction by military personnel from Mabanda camp;
7. *Urges* the National Assembly and its members to provide any information they may have to the competent investigating authorities;
8. *Deeply regrets* that the Prosecutor General did not see fit to institute investigations into the attempts on the lives of Mr. Banvuginyunvira and Mr. Ntibayazi, which he should have done as a matter of course;

9. *Is deeply concerned* at the fact that the investigation into the attack on Mr. Ndiwokubwayo has been unavailing, which it *finds all the more worrying* as, according to the sources, the attackers had been arrested but were later released by the competent judge;
10. *Notes with concern* that no investigations into the above crimes have been successful, and *fears* that this may denote a lack of will on the part of the competent authorities to establish the truth;
11. *Recalls in the strongest terms* that it is the duty of every State to guarantee the right to justice and to prosecute and try the perpetrators of criminal acts; *acknowledges* that the transitional authorities themselves have declared the combat against impunity to be a priority, and *once again calls on* them to comply with their obligations under international and national law and ensure that these crimes do not remain unpunished;
12. *Notes* that the Government affirms that, since it is sufficiently in control of the security situation, there is nothing to oppose the return of the exiled parliamentarians; *nevertheless expresses its conviction* that the best demonstration of this would be tangible results of the investigations into the murder, disappearance and attempts on the lives of their fellow parliamentarians;
13. *Remains concerned* at the prosecution of Mr. Nzojibwami and the conviction of Mr. Ndikumana, whose statements - particularly in view of the subject-matter of United Nations documents regarding the human rights situation in Burundi - are undoubtedly covered by his right to freedom of speech;
14. *Would appreciate* information about the facts adduced to substantiate the charges laid against Mr. Nzojibwami under Article 413 of the Burundi Penal Code;
15. *Reiterates its wish* to receive a copy of the relevant indictments and the judgment handed down on Mr. Ndikumana;
16. *Requests* the Secretary General to convey these considerations to the authorities, inviting them to keep it informed of progress, in particular as regards the investigation into the disappearance of Mr. Sirahenda and his driver, and to supply the requested documents;
17. *Also requests* the Secretary General to maintain contact with the United Nations bodies and commissions dealing with the human rights situation in Burundi;
18. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**CAMBODIA**

**CASE N° CMBD/01 - SAM RAINSY**  
**CASE N° CMBD/02 - SON SOUBERT**  
**CASE N° CMBD/03 - POL HAM**  
**CASE N° CMBD/04 - SON SANN**  
**CASE N° CMBD/05 - KEM SOKHA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Sam Rainsy and that of Mr. Son Soubert, Mr. Pol Ham, Mr. Son Sann and Mr. Kem Sokha, of Cambodia,

*Taking account* of the information and observations provided by the Cambodian delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

Also *taking into consideration* information provided by one of the sources on 15 February 1998,

*Recalling* that the above parliamentarians were elected in the 1993 elections organised by UNTAC (United Nations Transitional Authority in Cambodia); that Mr. Sam Rainsy, was elected on a FUNCINPEC ticket and the other four MPs on a BLDP (Buddhist Liberal Democratic Party) ticket,

*Recalling* that FUNCINPEC, the winner of the elections, formed a coalition with the Cambodia People's Party (CPP), the runner-up; that tensions and political party divisions have characterised Cambodian politics since 1993; that Mr. Sam Rainsy was expelled from his party in May 1995 and subsequently from the National Assembly; that in November 1995 he founded a new political party, the Khmer Nation Party (KNP); that the BLDP split in 1995 into two factions; that the one headed by Information Minister Mr. Ieng Mouly obtained government recognition, while the other faction, led by Mr. Son Sann, was the victim of a grenade attack when attempting to hold a congress in October 1995; that, in March 1997, an authorised and peaceful demonstration of the KNP led by Mr. Sam Rainsy also suffered a grenade attack killing at least 16 people and injuring over 100,

*Considering* that, according to the last report of the United Nations Special Representative of the Secretary General on Human Rights in Cambodia to the General Assembly (A/52/489, October 1997), eyewitnesses reported that a group of heavily armed soldiers - members of Mr. Hun Sen's personal bodyguard - stood some 200 yards from the demonstration, and that two people who threw the grenades were allowed to run past the soldiers, who then prevented demonstrators from chasing them,

*Noting* that the investigation into this attack has so far been unavailing, as has the investigation into the grenade attack of October 1995 against Mr. Son Sann and his group,

*Considering* the observation by the Cambodian delegation to the 99th Inter-Parliamentary Conference that the current priority was the preparation of the elections; and that the investigations in question were certainly still under way and would be fully addressed once the elections were over,

*Recalling* the violent ousting of First Prime Minister Prince Ranariddh in July 1997, resulting in scores of individuals loyal to Prince Ranariddh and his political party being extrajudicially executed without anybody having so far been brought to justice; that others, including the above former or incumbent parliamentarians concerned, were forced into exile; that, as stated in his report to the General Assembly, the United Nations Special Representative described the events as a « coup d'Etat »,

*Considering* in this connection the August 1997 « Memorandum on evidence of summary executions, torture and missing persons since 2-7 July » submitted by the United Nations Special Representative of the Secretary General for Human Rights in Cambodia to the Royal Government,

*Considering* that, in November 1997, Mr. Sam Rainsy returned to Cambodia followed in early 1998 by the other MPs in question in an attempt to prepare for the July 1998 elections,

*Also considering* that under the Japanese-brokered « four pillars initiative », Prince Ranariddh returned to Cambodia on 30 March 1998 after having been sentenced *in absentia*, in what is widely considered to have been a grossly unfair trial by a military tribunal, and subsequently amnestied by the King,

*Considering* that, according to several sources, some MPs belonging to the CPP (Cambodians People's Party) attempted to have Mr. Son Soubert removed from his position of Vice-President of the National Assembly for having described the July 1997 events as a « coup d'Etat »; that he was reportedly also at risk of having his parliamentary immunity lifted,

*Considering* that, according to the Cambodian delegation to the 99th IPU Conference, no request for the lifting of his immunity has been tabled and that he is pursuing his normal parliamentary duties,

*Considering* further that, according to the delegation, Mr. Soubert's BLDP faction was not allowed to register for the election on account of a lawsuit under way between his faction and that of Mr. Ieng Mouly as to which was the legitimate one; that, however, Mr. Soubert has been put on the list of candidates of another party,

*Bearing in mind* that in his report to the General Assembly referred to above, the United Nations Special Representative of the Secretary General on Human Rights in Cambodia stated that the problem of impunity was one of the key issues of the establishment of rule of law in the country, impunity in this particular case meaning that those who violate human rights - in particular military personnel, police, the gendarmes and other members of the armed forces - are neither arrested nor prosecuted, even if the authorities and the public at large are fully aware of their guilt,

*Considering* that, according to reports of international human rights organisations, political killings have continued after July 1997,

1. *Thanks* the Cambodian delegation for the information it provided and for its observations;
2. *Expresses deep concern* at its statement that combating impunity was not a priority because full attention had to be given to the preparation of the July 1998 elections;
3. *Affirms once again* that impunity can only encourage persistent criminality, and *also affirms* that a prerequisite for the holding of free and fair elections is the creation of a climate of security and confidence enabling people to exercise their basic human rights to freedom of speech, association and assembly and letting parties campaign in safety;



4. *Convinced* that without combating impunity this cannot be achieved, and therefore *strongly urges* the authorities to reconsider their priorities and so bring to justice the perpetrators of human rights violations, including those responsible for the grenade attack in October 1995 on Mr. Son Sann and his supporters and for the similar attack on a KNP demonstration in March 1997 led by Mr. Sam Rainsy;
5. *Urges* the authorities to ensure that the MPs concerned are able to contest the elections without any hindrance;
6. *Requests* the Secretary General to convey this decision to the Cambodian authorities;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**CASE N° CHD/01 - NGARLEJY YORONGAR - CHAD*****Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)***

The Inter-Parliamentary Council,

*Having before it* the case of Mr. Ngarléjy Yorongar of Chad, 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/161/11(a)-R.1), which contains a detailed outline of the case,

*Considering* that Mr. Yorongar, an opposition member of the National Assembly of Chad elected in January 1997, is one of the most vocal critics of the manner in which a major oil project in Chad is currently being carried out by an international consortium made up of Elf, Esso and Shell,

*Considering* that, according to the sources, on 4 June 1997 on the occasion of his investiture, Mr. Yorongar questioned the Prime Minister on the oil project, referring in particular to its administration and the financing of the electoral campaign of some candidates by Elf; that, on 12 June 1997 at a seminar for MPs, he made the same statements and that he had exchanged correspondence with the Prime Minister on the subject,

*Considering* that, in response to a letter from the Prime Minister, Mr. Yorongar wrote him again on 25 June 1997, setting out in detail his concerns regarding the oil project, *inter alia* that the President of the Republic and his family and relatives monopolised and mismanaged it,

*Considering* that, on 5 July 1997, he organised a public debate on the oil project; that, in a newspaper article on the debate published on 9 July in the *Observateur*, he was quoted as saying that the President of the National Assembly had received the sum of 1.5 billion CFA francs from the oil consortium,

*Considering* that, on 4 August 1997, referring to Mr. Yorongar's letter of 25 June 1997 to the Prime Minister, the Minister of Justice requested the Prosecutor General to demand the lifting of Mr. Yorongar's parliamentary immunity to permit his prosecution for insulting the Head of State; that, on 7 August, the Prosecutor General requested the National Assembly to lift Mr. Yorongar's parliamentary immunity,

*Considering* that, on 1 August 1997, the President of the National Assembly filed a lawsuit for defamation against the Director of the *Observateur* and his accomplice, Mr. Yorongar; that, on 7 August 1997, referring to the said article, the Prosecutor General requested the lifting of Mr. Yorongar's parliamentary immunity to permit his prosecution on charges of defamation,

*Considering* that, according to the sources, in September 1997, while Mr. Yorongar was abroad for medical treatment, the President of the National Assembly convened its Bureau to lift Mr. Yorongar's immunity; that, however, the Bureau decided that, in accordance with the Assembly's Standing Orders, Mr. Yorongar's presence was required; that, in October 1997, a renewed demand was

rejected for the same reason; that, since Mr. Yorongar's return to the country in December 1997, the National Assembly met several times to decide on the matter; that, however, it was obliged on each occasion to adjourn the debate owing to procedural irregularities,

*Considering* that the National Assembly is to take the matter up again at its current spring session,

*Considering* that, in his letter of 12 March 1998, the Secretary General of the Office of the President of the Republic says that Mr. Yorongar's case is « a matter first of an intra-parliamentary nature and then for the courts. Chad's parliamentarians will have to decide this case at their next session in all conscience, in accordance with their Standing Orders and the basic law of Chad »,

*Considering* that in the light of Article 114 of the Constitution, which stipulates that MPs may not be prosecuted, arrested, detained or tried for opinions expressed or votes cast in the exercise of their mandate; that the sources consider that Mr. Yorongar's immunity cannot properly be lifted since he made the offending statements in the exercise of his parliamentary mandate,

*Considering* that, according to the sources, on 19 September 1997 the President of the Republic issued Decree N° 402 appointing new magistrates who were reportedly carefully chosen in order to ensure Mr. Yorongar's arrest, prosecution and conviction; that, in his letter of 20 October 1997, the President of the National Assembly asserts that « *to say that these appointments were made with the aim of prejudicing Mr. Yorongar is a groundless allegation since, every two or three years, the Minister of Justice usually appoints magistrates* ». Moreover, the officers of the Court of First Instance of N'Djamena who were competent to hear the case had not been reassigned,

*Considering* that, according to the sources, Mr. Yorongar was on several occasions arrested, robbed, humiliated and ill-treated since Mr. Déby came to power in 1990 and offered him the post of Prime Minister, which Mr. Yorongar turned down; that, in October 1997, while Mr. Yorongar was in Europe, armed men in a police vehicle commanded by a police commissioner reportedly visited his home several times to enquire whether he had returned from his journey abroad,

*Considering* that, in his letter of 9 December 1997, the President of the National Assembly mentioned in that connection that « *the investigations conducted by my services have not made it possible to confirm or refute the allegations brought to your attention* »,

*Considering* that, according to the sources, on 19 February 1998, when he was at Mondou at the time of the massacres allegedly perpetrated by government forces, Mr. Yorongar escaped an ambush laid by those forces in his village for the purpose of liquidating him; that furthermore, on his return to N'Djamena, Mr. Yorongar was allegedly deprived of electric power to prevent him from communicating abroad, having to borrow a generator to be able to do so,

*Considering finally* that Chad is a party to the *International Covenant on Civil and Political Rights* and to the *African Charter on Human and Peoples' Rights* and therefore bound to respect the rights set out therein, in particular the right to security of person,

1. *Thanks* the President of the Republic and the President of the National Assembly for their co-operation and for the information they provided;
2. *Stresses* that one of the main functions of Parliament is its role of oversight and that when parliamentarians report or denounce a possible malfunction of State bodies, they are simply fulfilling their constitutional role;
3. *Stresses* the fundamental importance of the right to freedom of expression, which enables them to fulfil their constitutional role;

4. *Points out* that parliamentary immunity is designed to protect members of Parliament from possible groundless proceedings or accusations that may be politically motivated, and *stresses* that the lifting of a parliamentarian's immunity is therefore a serious measure which must be taken in due legal form by the competent body;
5. *Considers* that Mr. Yorongar's action lies *prima facie* within the normal scope of his parliamentary duties, and *consequently hopes* that his parliamentary immunity will not be lifted;
6. *Is deeply concerned* at the allegations regarding Mr. Yorongar's personal safety and *recalls* that it is the duty of the State to protect the safety of its citizens;
7. *Urges* the authorities, in particular the National Assembly, to do everything in their power to ensure that Mr. Yorongar's safety is guaranteed at all times and in all circumstances;
8. *Wishes to ascertain* whether investigations into the alleged attempt on Mr. Yorongar's life in February 1998 have been instituted;
9. *Requests* the Secretary General to convey this decision to the Head of State and to the President of the National Assembly;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 1998).

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

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning 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,

*Taking account* of the information provided by the Office of the Presidential Adviser for Human Rights, dated 22 December 1997 and 25 March 1998,

*Considering* that the stage now reached in the investigations into the murders of the above parliamentarians is as follows:

- As regards Mr. Jiménez: the case had been filed in 1993; in 1995, the authorities reported that the Prosecutor General's Office (Fiscalía General) was studying the possibility of reopening it; the Office of the Presidential Adviser for Human Rights reported subsequently several times, most recently in March 1998, that information in this respect had been requested from the Fiscalía.
- As regards Mr. Posada: the case was shelved in April 1996.
- As regards Mr. Vargas: the case was reportedly closed in 1991. In 1995, the authorities reported that the Prosecutor General's Office (Fiscalía General) was studying the possibility of reopening it; the Office of the Presidential Adviser for Human Rights subsequently reported that information in this respect had been requested from the Fiscalía.
- As regards Mr. Valencia: preliminary investigations are still under way; however, despite abundant taking of evidence, it has so far proved impossible to identify the culprits.
- As regards Mr. Jaramillo: according to the authorities, the Castaño brothers - paramilitary leaders - are suspected of this crime and warrants have been issued for their arrest. On 22 December 1997, the Office of the Presidential Adviser for Human Rights stressed the determination of the authorities, in particular the Head of State, to combat paramilitary groups. Reference was made in this connection to Decree N° 2895 of 3 December 1997 setting up a « *Search Squad for private justice groups* » (Bloque de Búsqueda de los Grupos de Justicia Privada) whose mandate it is, *inter alia*, to act in support of the Fiscalía General in executing arrest warrants. Notwithstanding, the Office also reported, the competent Prosecutor was about to close the investigation and shelve the case given that the proceedings had started on the date of Mr. Jaramillo's murder on 22 March 1990.
- As regards Mr. Cepeda: the Prosecutor General (Fiscalía General) formally accused Carlos Castaño Gil, the head of the paramilitary groups of Córdoba and Urabá, Justo Gil

Zuñiga Labrador and Hernando Medina Camacho, army sergeants in the 9th brigade, of the murder of Senator Cepeda Vargas; an appeal by the three against their accusation has reportedly been dismissed by the competent court.

*Noting* that, in her report of 9 March 1998 regarding the work of the field office in Colombia, the United Nations High Commissioner for Human Rights urged the Colombian Government *inter alia* to « ... conduct independent and exhaustive investigations into all violations of the right to life, bring the culprits to justice and properly compensate their victims in order to put an end to the spiral of violence and impunity »,

1. *Thanks* the Office of the Presidential Adviser for Human Rights for the information supplied and for its co-operation;
2. *Is gratified* to learn that the investigation into the murder of Senator Cepeda has produced some result, and *expresses the hope* that it will continue to progress without any impediment and, in particular, that every effort will be made to serve the arrest warrants pending on Carlos Castaño Gil;
3. *Nevertheless deeply regrets* that the investigations into the murders of the other parliamentarians concerned remain unavailing, the case of Mr. Jaramillo even being about to be shelved despite the existence of arrest warrants;
4. *Notes* in this connection that a « *Search Squad for private justice groups* » was set up in December 1997 with a mandate, *inter alia*, to act in support of the Fiscalía General in executing arrest warrants, and *questions* why this case should be shelved just when a special mechanism has been put in place to expedite the serving of arrest warrants;
5. *Notes* that additional information about the investigation into the murders of Mr. Jiménez and Mr. Vargas has been announced, and *awaits* it with interest;
6. *Requests* the Secretary General:
  - (i) To convey these considerations to the President of the National Congress and of the National Group of Colombia;
  - (ii) To inform the Office of the United Nations High Commissioner for Human Rights in Colombia about the Committee's work on these cases;
  - (iii) To inform the Office of the Presidential Adviser for Human Rights of these considerations, inviting it to provide the information desired and report any new developments in connection with these cases;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

CASE N° CO/09 - HERNAN MOTTA MOTTA ) COLOMBIA  
CASE N° CO/10 - NELSON VELORIA )

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Senator Hernán Motta Motta and Congressman Nelson Veloria, of Colombia,

*Taking account* of the information provided by the Office of the Presidential Adviser for Human Rights on 22 December 1997 and 25 March 1998,

*Also taking account* of information provided by one of the sources on 6 February and 23 March 1998,

*Recalling* that, according to the source, Senator Hernán Motta Motta and former Congressman Nelson Veloria, Vice-President of the Patriotic Union, have for some time been subjected to death threats, their names being on the « hit list » of the second phase of the *Golpe de Gracia* plan reportedly aimed at eliminating the remaining national leaders of the Patriotic Union,

*Also recalling* that, according to the Office of the Presidential Adviser for Human Rights, following a complaint, investigations have been launched into the death threats against Senator Motta, but so far with no result; and, as regards the death threats against Mr. Veloria, no complaint has ever been received,

*Considering* that in September 1997 the source reported an upsurge of death threats against Senator Motta and plans to hinder his parliamentary activities by bringing false charges of collaboration with the « narco-guerrillas » against him and that, as a result, he was forced into exile in October 1997; that in February 1998 the same source reported that paramilitary gangs had come to Bogotá to kill Mr. Veloria, who might therefore also be forced to leave the country,

*Recalling also* that, according to the source, Senator Motta was not afforded the necessary protection, in particular a bullet-proof car,

*Considering* in this connection that, according to the Office of the Presidential Adviser for Human Rights, the DAS had, via its Protection Directorate (Dirección de Protección) provided Senator Motta with a detective and a driver from 3 September 1986 until 15 October 1997, when he went into exile; that, as regards Mr. Veloria, the DAS is affording him the services of a detective,

*Recalling further* its repeated recommendations that, in accordance with the Constitution of Colombia, a statutory law on the status of the opposition be drafted and adopted as soon as possible,

*Noting* that, in her report of 9 March 1998 regarding the work of the field office in Colombia, the United Nations High Commissioner for Human Rights urged the Colombian Government

*inter alia* to « ... *conduct independent and exhaustive investigations into all violations of the right to life, bring the culprits to justice and properly compensate their victims in order to put an end to the spiral of violence and impunity* »,

1. *Thanks* the Office of the Presidential Adviser for Human Rights for the information supplied and for its co-operation;
2. *Is dismayed* that Senator Motta was forced into exile, and *fears* that this may indicate a failure to investigate the death threats thoroughly and to provide adequate protection;
3. *Urges* the competent authorities to make every effort to identify those responsible for the death threats and bring them to justice, as is their duty, and *refers* in this connection also to the recommendation made by the United Nations High Commissioner for Human Rights in the aforesaid report;
4. *Urges* the authorities also to ensure the safety of Mr. Veloria at all times and in all circumstances;
5. *Regrets* that its recommendation to adopt a statutory law on the political opposition has so far gone unheeded, and *reiterates* its belief that such legislation might help to dispel the climate of political violence prevailing in Colombia;
6. *Requests* the Secretary General:
  - (i) To convey this decision to the President of the National Congress and of the National Group of Colombia;
  - (ii) To convey these considerations to the Office of the Presidential Adviser for Human Rights, inviting it to keep the Committee informed;
  - (iii) To convey its concerns to the Office of the United Nations High Commissioner for Human Rights in Colombia;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).



**DEMOCRATIC REPUBLIC OF THE CONGO**

**CASE N° ZRE/25 - JOSEPH OLENGHANKOY**

**CASE N° ZRE/26 - E. DIOMI NDONGALA NZOMAMBU**

**CASE N° ZRE/27 - ETIENNE TSHISEKEDI**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Having before it* the case of Mr. Joseph Olenghankoy, Mr. Eugène Diomi Ndongala Nzomambu and Mr. Etienne Tshisekedi, members of the Parliament of former Zaire HCR-PT, 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, which contains a detailed outline of the case,

*Having studied* a communication concerning the case of Mr. Joseph Olenghankoy, Mr. Ndongala Nzomambu and Mr. Tshisekedi, members of the Parliament of former Zaire HCR-PT dissolved in May 1997,

*Considering* that, according to the source, Mr. Ndongala, President of the Front for the Survival of Democracy in the Congo, was detained at his home on 10 December 1997 without an arrest warrant by members of the military police; that they reportedly took him to Loano military camp, Kinshasa, and then to Kokolo; that on 2 January 1998 he was reportedly transferred to a farm at Mikonga before being brought back to the military camp at Kokolo; that he was allegedly badly beaten; that his health having greatly deteriorated, he was reportedly taken to a hospital on 8 January 1998 and operated; that he is reportedly still held under the permanent guard of soldiers,

*Considering* that Mr. Etienne Tshisekedi, leader of the Union for Democracy and Social Progress (UDPS), the main opposition party in former Zaire, was allegedly detained without an arrest warrant by members of the Congolese armed forces on 12 February 1998; that he is said to be accused of breaking the ban on any political activity, the UDPS reportedly having announced its intention to celebrate the 16th anniversary of its founding; that after a few hours of detention Mr. Tshisekedi is said to have been placed under house arrest in his village, arriving there on 15 February; that he was reportedly relegated to his village to work in the fields and so help rebuild the State while his case was being investigated; that the source fears for his safety and is worried that he may be denied access to legal counsel,

*Considering* that, according to the source, Mr. Olenghankoy, National President of the Innovatory Forces for Union and Solidarity, was arrested at his office on 20 January 1998 by elements of the National Intelligence Agency (ANR) and taken to the ANR jail, where he was reportedly detained for ten days before being transferred first to the Kokolo military camp and later to Lubumbashi and held in Kasapa prison; that there has apparently been no further news of him,

1. *Expresses deep concern* at the arrest and detention of Mr. Olenghankoy and Mr. Ndongala and at the placing of Mr. Tshisekedi under house arrest, apparently without any judicial proceedings;
2. *Is alarmed* at the allegation of Mr. Ndongala's ill-treatment;
3. *Recalls* that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights and, that by virtue of its obligations under these norms, is bound to respect the right to freedom from torture and ill-treatment, and the right to freedom from arbitrary arrest and freedom of association;
4. *Consequently urges* the authorities to ensure that the three former MPs are not tortured and ill-treated and, where Mr. Ndongala is concerned, to identify and punish those who beat him up;
5. *Calls on* the authorities to comply with their obligation under international human rights norms and either release the three persons concerned forthwith or bring them to trial under a tenable criminal charge;
6. *Wishes to ascertain* the current situation of the former MPs concerned, in particular:
  - (i) The exact conditions of their detention and state of health;
  - (ii) The legal grounds for their arrest or house arrest and the facts adduced to substantiate them;
  - (iii) Whether they are interrogated, and whether defence counsel is available to them;
  - (iv) Whether they enjoy their right to visits from their relatives and defence counsel;
7. *Requests* the Secretary General to convey this decision to the President of the Republic, the Minister of the Interior, the Minister of Justice and the Minister of Foreign Affairs;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 1998).

**CASE N° DJI/09 - AHMED BOULALEH BARREH** )  
**CASE N° DJI/10 - ALI MAHAMADE HOUMED** ) **DJIBOUTI**  
**CASE N° DJI/11 - MOUMIN BAHDON FARAH** )

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
 (Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Ahmed Boulaleh Barreh, Mr. Ali Mahamade Houmed and Mr. Moumin Bahdon Farah, of Djibouti,

*Taking account* of the information and observations provided by the Djibouti delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Recalling* that Mr. Barreh, Mr. Houmed and Mr. Farah were sentenced on 7 August 1996 to six months' imprisonment, payment of a heavy fine and deprivation of their civic rights for five years under Articles 187 and 188 of the Penal Code for having insulted the Head of State by publishing on 25 May 1996 a press release launching a « *solemn appeal to all activists ... and Djiboutians to come together and mobilise to thwart, by all legal and peaceful means, this deliberate policy of President Hassan Gouled Aptidon to rule by terror and force while trampling underfoot our Constitution and the republican institutions* »; *recalling* also that they were arrested immediately and taken to Gabode prison,

*Recalling* that, according to the President of the National Assembly, following a request for the lifting of their parliamentary immunity presented by the Minister of Justice, the Bureau of the National Assembly met on 12 and 15 June 1996 and, in conformity with the Standing Orders, decided to authorise their prosecution and adopted a resolution to that effect; that, by letter N° 141/AN/FW of 15 June 1996, he informed the Minister of Justice of that decision,

*Recalling* that, according to the sources, the procedure for the lifting of their immunity was improper, that in particular the deputies concerned were not heard and that, contrary to the assertion of the President of the National Assembly, no resolution on the lifting of their parliamentary immunity was adopted and published in the Official Gazette of the Republic of Djibouti, as required under Article 64 of the Standing Orders,

*Recalling* in this respect that, in its decision of 31 July 1996 on the appeal of the deputies concerned against the decision to lift their immunity, the Constitutional Council held that any decision of the National Assembly or its Bureau on a request for lifting of parliamentary immunity must be in the form of a resolution, and ruled that the letter from the President of the Assembly to the Minister of Justice informing him of the Bureau's decision did not constitute such a resolution; that the Constitutional Council further ruled that the lack of a hearing of the deputies concerned constituted a violation of the right of defence as guaranteed by national law,

*Recalling* that, according to the sources, their trial was flawed by numerous irregularities; that, before the trial, the Minister of Justice reportedly transferred and dismissed four judges of the court dealing with the matter without giving grounds and without seeking the opinion of the High Council of the Magistrature, as would have been required under the law; that they were not summoned to the Court in due and proper form, for which reason none of them could appear,

*Considering* that, according to the Djibouti delegation, the judges had not been removed but, as their term had expired, had been replaced; that the other judges, who were moreover in favour of the deputies concerned, remained in office,

*Recalling* that, on 17 November 1996, the Supreme Court upheld the ruling of the Court of first instance; that, however, according to the sources, a majority of the members of the Chamber of the Supreme Court which handed down the ruling were substitute members, not titular members as required by the provisions in force,

*Recalling* that, on the occasion of the month of Ramadan, the President of the Republic reduced their sentence and that they were consequently released but remain deprived of their civic rights, so that they were unable to participate in the parliamentary elections which took place on 19 December 1997,

*Noting* that Article 175(2) of the Code of Criminal Procedure provides that investigations shall be cancelled « *should the rules specifically designed to ensure respect for the fundamental principles of the investigative procedure and the rights of the defence be violated* »,

*Noting moreover* that Article 472(5) of the Code makes provision for a case to be reviewed when a decision is flawed by an obvious error of fact or of law such as to influence the sentence, and that paragraph 4 also provides for this possibility when « *any new development or previously unknown fact such as might cast doubt on a convict's guilt arises or is revealed after sentencing* »,

*Recalling* that, according to the sources, the initiative for revision must come from the President or the Minister of Justice, and that, in the sources' view, the lack of a resolution lifting the parliamentary immunity of Mr. Barreh, Mr. Houmed and Mr. Farah, in addition to the violations of the rights of the defence, would constitute grounds for revision,

*Considering* in this connection that the Minister of Justice stated in his letter of 5 January 1998 that a revision could not be envisaged since « *no new developments or previously unknown facts such as might cast doubt on their guilt have arisen or been revealed after their sentencing* »,

*Recalling* that, according to the sources, proceedings were instituted in early 1997 against two defence lawyers, Mr. Aref and Mr. Foulie, together with the President of the Constitutional Council, on the basis of reportedly unfounded accusations; that the latter person was dismissed and that Mr. Aref was dismissed from the bar; that many international organisations, including the Centre for the Independence of Judges and Lawyers, consider their prosecution arbitrary and linked to the case of the three deputies concerned,

*Considering* that, according to the Djibouti delegation, the above information was wrong and that it undertook to provide material in support of that claim,

*Having noted* the resolution adopted on 17 December 1997 by the European Parliament concerning the human rights situation in Djibouti, which *inter alia* requires of the Djibouti authorities « *full respect for human rights and fundamental freedoms, particularly freedom of expression and the right to a fair trial respecting the rights of the defence* »,

*Aware* that legislative elections were held on 19 December 1997 and that, on account of their condemnation, the MPs concerned were unable to take part in them,

1. *Thanks* the delegation of Djibouti for the information and the observations they supplied;
2. *Emphasises* once again that parliamentary immunity is granted to parliamentarians for the purpose of enabling them fully and freely to discharge their mandate and of protecting

them against any politically motivated prosecution, for which reason the relevant procedure must be taken in full accordance with prevailing legal norms;

3. *Consequently reiterates its deep concern* that the decision of the Constitutional Court of 31 July 1996, ruling that the rights of the defence were violated and the required resolution was lacking, has been disregarded;
4. *Considers* this situation to be covered by Article 472, paragraph 5, of the Code of Criminal Procedure quoted above, and *cannot therefore share* the view of the Minister of Justice, based solely on the applicability of Article 472, paragraph 4;
5. *Consequently urges* the competent authorities promptly to review the trial of the former MPs concerned;
6. *Wishes*, if such were not the case, that the former MPs concerned should be granted an amnesty;
7. *Repeats its belief* that, in issuing the press release that led to their conviction, Mr. Barreh, Mr. Houmed and Mr. Farah were merely exercising their fundamental right to freedom of expression, and *deplores* the fact that this conviction prevented them from taking part in the legislative elections held in December 1997;
8. *Reaffirms* that the right to freedom of speech - which must necessarily include the right to criticise the action of the Executive - is central to the functioning of parliamentary democracy and that Parliaments should consequently have a particular interest in ensuring that this right is made as extensive as possible and can be exercised without risk, particularly of imprisonment;
9. *Also remains concerned* at the proceedings under way against the lawyers of the former MPs in question and at the dismissal of the President of the Constitutional Court, and *awaits with interest* the information which the Djibouti delegation undertook to provide in support of their claim that the information provided by the sources in this respect is wrong;
10. *Requests* the Secretary General to convey these considerations to the President of the National Assembly and to the competent judicial authorities;
11. *Also requests* the Secretary General to convey these concerns to the President of the Republic;
12. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**CASE N° GEQ/07 - MARCELO LOHOSO - EQUATORIAL GUINEA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)***

The Inter-Parliamentary Council,

*Having before it* the case of Mr. Marcelo Lohoso, an incumbent member of the 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/161/11(a)-R.1), which contains a detailed outline of the case,

*Considering* that, according to the source, Mr. Marcelo Lohoso, who belongs to the ruling « Partido Democrático de Guinea Ecuatorial » and is Director of the National Institute of Agriculture, was arrested on 21 January 1998 together with many other persons belonging like him to the Bubi ethnic group, the native population of Bioko Island; that he is reportedly held at the central police station in Malabo,

*Considering* that, according to the source, the arrest reportedly took place after attacks in the early hours of 21 January 1998 on military barracks in Luba and Moka, two towns in the south of Bioko Island, which reportedly left eight soldiers and one civilian dead and several other soldiers wounded,

*Considering* that, according to the source, the Government reportedly claims that the attacks were carried out by the « *Movimiento para la Autodeterminación de la Isla de Bioko (MAIB)* », and that it reportedly suspects those arrested of belonging to or supporting that movement,

*Considering* that, according to the source, the Government has stated that Mr. Lohoso has been « put under the jurisdiction of the courts »; that, however, it has not specified the charges held against him; that he will reportedly be tried by a military court whose sentences are not open to appeal; that neither have the judicial authorities yet completed the investigation nor have the defence lawyers been provided with the case files,

*Considering also* that, according to the source, the United Nations Special Rapporteur on the human rights situation in the Republic of Equatorial Guinea, who visited Malabo two weeks ago, stated that most, if not all, of the detainees had suffered torture; that, consequently, Mr. Lohoso may have been tortured as well,

*Noting* that the *Movimiento para la Autodeterminación de la Isla de Bioko*, which was founded in November 1994 to achieve independence for Bioko Island and is widely supported by the Bubi, had not used violence before its alleged involvement in the attacks of 21 January; that, according to the source, corroborated by the United Nations Special Rapporteur on the human rights situation in Equatorial Guinea (E/CN.4/1998/73), since its creation hundreds of people belonging to the Bubi ethnic group have been arrested on suspicion of belonging to or simply sympathising with the MAIB, with the Government only rarely presenting evidence,

*Also noting* that legislative elections are due later this year,

*Bearing in mind* the recommendation of the United Nations Special Rapporteur on the human rights situation in Equatorial Guinea as endorsed by the United Nations Human Rights Commission at its 53rd session (March/April 1997) that the Equatorial Guinea authorities shall ensure « *the issuing of precise instructions to the forces responsible for maintaining order and security, enjoining them to refrain from making arbitrary arrests, to respect the right of all to personal safety, to physical integrity and to liberty ...* »,

1. *Expresses deep concern* at the arrest of Mr. Lohoso and the possibility that he may have been tortured or ill-treated;
2. *Wishes to ascertain urgently* the current situation of Mr. Lohoso and in particular:
  - (i) The exact conditions of his detention and his state of health;
  - (ii) The legal grounds for his arrest and the facts adduced to substantiate them;
  - (iii) Whether he is interrogated and whether defence counsel is available to him;
  - (iv) Whether he enjoys his right to visits from his relatives and defence counsel;
3. *Urges* the authorities either to release Mr. Lohoso forthwith or to subject him to due judicial process;
4. *Is concerned* at the allegation that he may be tried by a military court without enjoying the necessary guarantees of independence and impartiality and that, moreover, he may not be afforded his right of appeal;
5. *Recalls* that the Republic of Equatorial Guinea is a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights, and that it is therefore bound to respect the right to the liberty and integrity of person and the right to fair trial as enshrined in those instruments;
6. *Requests* the Secretary General to convey these concerns to the competent authorities and invite them to supply the requested information;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (September 1998).

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

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Lamin Waa Juwara, a member of the House of Representatives of the Gambia dissolved in 1994,

*Noting* that the authorities have failed to reply to the request for information made in the decision adopted by the Committee on this case at its 80th session (January 1998),

*Recalling* that Mr. Juwara was arrested on 25 January 1996, his fifth arrest since Parliament's dissolution in July 1994; that his whereabouts were unknown until, on 6 December 1996, the source stated that he was held in the Central Prison Mile Two in Banjul without any charges having ever been brought against him; that he was finally released on 3 February 1997,

*Recalling* that on 30 June 1997, he filed a lawsuit against the Attorney General, the Secretary of State for the Interior, the Inspector General of Police and the Director General of the National Intelligence Agency claiming compensation for the many arbitrary arrests and detention he had suffered at the hands of officials acting under State authority; that the case is currently pending before the High Court,

*Considering* that, according to the sources, the authorities have unjustifiably failed to issue Mr. Juwara with a passport; that he was asked to reapply and did so, albeit as yet unsuccessfully; that, however, according to the letter of 14 January 1998 from the Attorney General's Chamber, Mr. Juwara has still not applied to the immigration authorities to have his passport renewed,

*Bearing in mind* that the Gambia is a party to the International Covenant on Civil and Political Rights, which in Article 9, paragraph 1, stipulates that « *no one shall be subjected to arbitrary arrest or detention* » and, in paragraph 5, that « *anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation* »; that Article 12 guarantees freedom of movement,

1. *Regrets* that the authorities have not replied to the Committee's request for information as expressed in the decision it adopted at its 80th session (January 1998) on this case;
2. *Would appreciate* information on the stage reached in the proceedings regarding the lawsuit which Mr. Juwara has filed with the High Court of the Gambia requesting compensation for the many unlawful arrests and detentions he has suffered at the hands of officials acting under State authority;
3. *Stresses yet again* that, under Article 9 of the International Covenant on Civil and Political Rights, to which the Gambia is a party, « *anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation* »;



4. *Remains confident* that the Gambian judiciary will rule on this question in accordance with the international human rights norms to which it has subscribed and which take precedence over national law;
5. *Notes with concern* the discrepancy in the information provided by the sources and the authorities about the issuing of a passport to Mr. Juwara, and *earnestly hopes* that the necessary action will be taken to ensure that Mr. Juwara is issued a passport without further delay;
6. *Requests* the Secretary General to convey this decision to the competent authorities of the Gambia and to invite them to supply the information sought;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Omar Jallow, of the Gambia,

*Noting* that the authorities have failed to reply to the request for information made in the decision adopted by the Committee on this case at its 80th session (January 1998),

*Taking account* of information provided by one of the sources on 10 March 1998,

*Recalling* that Mr. Jallow, a member of the House of Representatives dissolved in 1994 and former Foreign Minister, was arrested in October 1995 and held without charge until November 1996, when he was released; that his passport was confiscated at the time and that he was banned from political activity for a period of five years, any breach of the ban reportedly punishable by a fine of 1 million dalasis or life imprisonment,

*Recalling* that the « *Commission of Inquiry into the Assets, Properties, Activities and other Related Matters of Public Officers and the Privatisation Program of Government* » (Public Assets Recovery Commission) established by the « *Armed Forces Provisional Ruling Council* » (AFPRC) to investigate charges of wrongdoing by public office-holders prior to the military takeover of 22 July 1994, reportedly found him not guilty of any wrongdoing and that it arrived at that decision over 18 months ago; that, in a communication of 25 February 1997, it informed the Inspector General of Police that it had no objection to Mr. Jallow's being returned all property « *following Government's acceptance of the Recommendation of the Public Assets Recovery Commission* »,

*Considering* that, despite the reported clearance from the Public Assets Recovery Commission, Mr. Jallow remains banned from political activity and still may not travel abroad, as according to one of the sources, while he had his passport renewed, he still lacked the requisite clearance (permission) from the President's Office; that, moreover, the authorities have reportedly decided to seize two of his properties without any just legal reason and that his bank account is still frozen,

*Bearing in mind* that the Gambia is a party to the International Covenant on Civil and Political Rights, which guarantees the right to freedom from arbitrary arrest and detention, the right to compensation for anyone who has been the victim of unlawful arrest and detention and the right to freedom of movement and the right of everyone to have a criminal charge determined by a competent, independent and impartial court in a fair and public hearing,

1. *Regrets* that the authorities have failed to reply to the request for information made in the decision adopted on the case by the Committee at its 80th session (January 1998);

2. *Reiterates its wish* to receive a copy of the findings and decision of the Public Assets Recovery Commission regarding Mr. Jallow, and *would also appreciate* information regarding the exact scope and effect of the decisions taken by that Commission;
3. *Remains deeply concerned* at the fact that Mr. Jallow has been deprived of his political and civil rights, apparently without any formal legal procedure and on no proper legal basis, and *emphasises* yet again that, under Article 14 of the ICCPR, a sanction as harsh as the deprivation of political and civil rights can only be handed down in a fair and public hearing by a competent, independent and impartial tribunal established by law;
4. *Consequently reiterates its wish* to ascertain by what body and under what procedure the ban on political activity was imposed on Mr. Jallow and whether he had a right of appeal;
5. *Expresses deep concern* that Mr. Jallow still may not travel abroad, and *urges* the competent authorities forthwith to remove all impediments to the exercise by Mr. Jallow of his right to freedom of movement;
6. *Also wishes* to ascertain the legal grounds for the seizure of two properties of Mr. Jallow and the freezing of his bank account;
7. *Reaffirms* that under Article 9, paragraph 5, of the ICCPR Mr. Jallow has an enforceable right to compensation for the arbitrary arrest and detention he suffered;
8. *Requests* the Secretary General to convey these concerns and considerations to the competent authorities, and to invite them to take the necessary action and supply the requested information;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

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

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Miguel Angel Pavón Salazar, of Honduras,

*Taking account* of information provided by one of the sources in March 1998,

*Recalling* that Mr. Pavón Salazar was shot dead on 14 January 1988; that the judicial investigations which established a link between his murder and evidence he gave in October 1987 before the Inter-American Court of Human Rights concerning « disappearances » came to a practical standstill until, in 1994, the Honduran National Commissioner for Human Rights published a report concluding that the investigations had not been carried out properly, thereby causing oversight of the investigation to be entrusted to the Special Prosecutor for Human Rights,

*Recalling also* that, despite this measure, no progress in the investigations was made by the competent investigating judge of the Third Criminal Court (*Juzgado Tercero de Letras de lo Criminal*); that finally, on 4 July 1996 - apparently on the initiative of the Honduran Congress - the Criminal Investigation Branch of the Public Prosecutor's Office (DIC) resumed the investigations into the murder of Mr. Pavón Salazar which brought new evidence to light; that, however, additional investigations have been deemed necessary before a formal accusation can be lodged,

*Considering* that one of the sources expressed confidence that this would materialise in the months ahead,

*Noting* that legislative and presidential elections took place in November 1997 in which the former President of Congress was elected President of the Republic and the former Vice-President of Congress, President of that body,

1. *Regrets* that the lack of further progress in the investigation continues to prevent appropriate court action;
2. *Earnestly hopes* that the additional investigations still under way will rapidly permit the filing of an indictment, and that subsequent judicial proceedings will finally restore the right to justice in this case;
3. *Calls again* on the Honduran parliamentary authorities to continue monitoring the case and ensure that it is brought to a satisfactory conclusion;
4. *Re-emphasises* that, in accordance with generally accepted standards of human rights, victims of human rights violations are entitled to adequate material compensation, and *wishes to ascertain* the stage reached in the amicable settlement proceedings under way in this respect before the American Commission on Human Rights;

5. *Requests* the Secretary General to address on its behalf the newly elected President of the Republic of Honduras and the President of the National Congress, inviting them to take necessary measures to ensure progress in the relevant judicial proceedings and to keep it informed of progress in the investigations;
6. *Also requests* the Secretary General to maintain contact with the American Commission on Human Rights regarding this case;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**CASE N° IDS/10 - SRI BINTANG PAMUNGKAS - INDONESIA**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998) \**

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Sri Bintang Pamungkas, of Indonesia,

*Taking account* of the information and observations supplied by the Indonesian delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Recalling* that, on 8 May 1996, Jakarta Central Court found Sri Bintang Pamungkas guilty of deliberately insulting President Suharto by suggesting that he was a « dictator » at a seminar he gave at a Berlin University on 9 April 1995 and sentenced him to 2 years and 10 months' imprisonment; that an earlier charge of instigating or participating in demonstrations against President Suharto during his April 1995 visit to Germany had to be dropped for lack of evidence; and that the judgment became binding on 11 April 1997,

*Recalling* that, according to the sources, despite the non-admissibility in Indonesian law of tape-recordings as evidence, the main exhibit is a transcript of a 180-minute tape-recording of the seminar lasting almost seven hours, together with the testimony of three students, one being a part-time employee at the Indonesian Embassy and the other two close relatives of his,

*Recalling* in this connection that the key witness, Sri Basuki, has reportedly never been duly identified by the Court, which accepted her written testimony, and that this may warrant a review of the trial,

*Recalling* that Sri Bintang's party, the United Development Party (PPP), « recalled » him from his parliamentary seat and that, on 29 May 1996, Sri Bintang launched a new party, the Indonesian Democratic Union Party (PUDI),

*Recalling* that, on 5 March 1997, Sri Bintang was arrested together with two other PUDI officials and accused under the Anti-Subversion Act of having, on *Eid-al-Fitr* greetings cards, set out the PUDI political agenda, namely: (a) ignore the 1997 parliamentary election; (b) refuse Mr. Suharto as a presidential candidate in 1998, and (c) prepare the post-Suharto period,

*Considering* that, according to one of the sources, on 5 December 1997, Sri Bintang was indicted under Article 1, paragraph 1(a) and (b), of the Anti-Subversion Act for violating or deviating from « *Pancasila* », the State ideology, and attempting to overthrow the Government; that, according to the indictment, the evidence to substantiate the charges includes: (a) meetings to establish PUDI; (b) the Party programme and its distribution; (c) proposal for a candidate for the 1998 presidential elections; (d) the distribution of the aforementioned greetings cards; (e) the framing of a new Constitution for Indonesia,

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\* The Indonesian delegation expressed reservations about the resolution adopted by the Inter-Parliamentary Council, nevertheless stating that it would commend the Council's decision regarding the on-site mission to the competent authorities.

*Recalling* that offences under the Anti-Subversion Act carry up to 20 years' imprisonment or the death penalty,

*Considering* that, according to the sources, the case was referred to South Jakarta District Court, where a first hearing was set for 22 December 1997, and that several hearings have since taken place; that Sri Bintang reportedly petitioned the judge to declare the prosecutor unfit to take part in the proceedings, arguing that he had used physical violence against him during pre-trial interrogations; that, when the judge dismissed the petition, Sri Bintang walked out of the court with his lawyers,

*Recalling* that, on 12 May 1997, Sri Bintang was notified of the decision of the Minister of Education and Culture of 1 April 1997 to expel him with dishonour from his position as a permanent faculty member of the State University of Indonesia, where he had been teaching for over 25 years; that an appeal against that decision was filed with Jakarta Administrative Court, which, on 25 February 1998, dismissed Sri Bintang's suit as he had been sentenced to 34 months' imprisonment for intentionally insulting the Head of State,

*Considering* the position of the authorities as affirmed on various occasions by the Indonesian delegation to Inter-Parliamentary Conferences, namely that Sri Bintang was prosecuted for attempting to mobilise the people by illegal means - a non-authorized political party - with a view to changing the Constitution; that the Constitution can only be changed through discussion in Parliament and a subsequent referendum; that this case in no way involves a violation of human rights,

*Recalling* that the Inter-Parliamentary Council, in the *Declaration on Criteria for Free and Fair Elections* adopted unanimously in Paris on 26 March 1994, with a delegation from the Indonesian Parliament in attendance, proclaimed that everyone had the right to join or, together with others, to establish a political party or organisation for the purpose of competing in an election,

*Recalling further* the principles set out in the « *Universal Declaration on Democracy* » adopted unanimously by the Inter-Parliamentary Council at the 98th Inter-Parliamentary Conference with a delegation from the Indonesian Parliament in attendance, in particular principles 5, 12 and 21,

*Noting finally* that, in a statement on 12 January 1998 to draw the Government's attention to address human rights and political reform within any economic reform that may be imposed, the Indonesian National Commission on Human Rights (Komnas HAM) recommended that the Indonesian Government take the following measures: (a) put an end to misuse of the law as an instrument of repression (b) permit greater freedom of expression (c) heed calls for greater political openness,

1. *Thanks* the Indonesian delegation for the information provided and for its co-operation;
2. *Remains deeply concerned* at the new prosecution of Sri Bintang under the Anti-Subversion Act, and *fears*, in view of the evidence adduced to substantiate the charges, that he is being prosecuted for acts which are part of the proper functioning of a parliamentary democracy;
3. *Recalls* the principles upheld by the Inter-Parliamentary Union in its *Universal Declaration on Democracy* and in the *Declaration on Criteria for Free and Fair Elections*, which reiterates that everyone has the right to join or, together with others, to establish a political party or organisation for the purpose of competing in an election;
4. *Believes* that it is a matter of concern to the Indonesian Parliament, which has endorsed both Declarations, to apply the principles proclaimed therein, and *calls therefore* on the Indonesian Parliament to consider measures for the charges brought against Sri Bintang under the Anti-Subversion Act to be dropped;

5. *Reiterates* its previous concerns regarding Sri Bintang's prosecution for insulting the President of the Republic, in particular its fear that he may well have been prosecuted and sentenced on account of considerations other than those of a judicial nature, and *would appreciate receiving* the authorities' views on the prospects for a review of the trial;
6. *Regrets* that Sri Bintang was expelled « with dishonour » from the chair he had held at Indonesia University for over 25 years;
7. *Expresses yet again its regret* that the authorities have not authorised the political party founded by Sri Bintang Pamungkas in May 1996, and *earnestly hopes* that they will reconsider the regulations on political parties in the light of the principles proclaimed by the Inter-Parliamentary Union;
8. *Deems it necessary*, in view of the fundamental issues regarding freedom of speech, freedom of association and assembly raised by this case, to gather further information directly from the authorities, the parliamentarian concerned and his lawyers, and *entrusts* the Committee on the Human Rights of Parliamentarians with conducting an on-site mission to this end;
9. *Notes with satisfaction* that the Indonesian delegation expressed its intention to relay the Committee's concerns and opinion in this matter to the competent Indonesian authorities,
10. *Requests* the Secretary General to convey these considerations to the Speaker of the House of Representatives, inviting him to ensure that the Committee's mission can be received in Jakarta in the very near future;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).



**CASE N° IDS/11 - MEGAWATI SUKARNOPUTRI - INDONESIA**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998) \**

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Ms. Megawati Sukarnoputri, of Indonesia,

*Taking account of* the information and observations provided by the Indonesian delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Recalling* that Ms. Megawati, a former member of the House of Representatives, was unseated in June 1996 as leader of the Indonesian Democratic Party (PDI) by the « Medan Congress » which, according to the sources, was engineered by the Government; that, following the refusal of her supporters to evacuate the Party's Headquarters, police raided and violently seized them on 27 July 1996, which led to mass demonstrations and riots in Jakarta,

*Also recalling* that, in its report on these events, the Indonesian National Human Rights Commission (Komnas HAM), stated *inter alia* that « *the Government/authorities involved themselves excessively and one-sidedly and out of proportion to their function as political steward and security force* » in this conflict and recommended *inter alia* that « *Government interference in the form of support for one side in a dispute should be guarded against* »,

*Further recalling* that, as a result of her ouster as party leader and her refusal to recognise the new leadership, and owing to the existing law and interpretation of the Constitution which prohibits the establishment of a new political party, she was unable to stand as a candidate in the parliamentary elections of May 1997,

*Considering* that, according to the Indonesian delegation, she herself announced her non-participation in the election; recalling, however, that the Indonesian delegation to the Beijing Inter-Parliamentary Conference (September 1996) stated that in order to participate in the elections Ms. Megawati had to be put on a list of candidates of her party, for which purpose she would first have had to recognise the legitimacy of the Medan Congress; that, moreover, there was no possibility for her to run on another party ticket,

*Recalling* that Ms. Megawati has been questioned several times as a witness in connection with the 1996 demonstrations and riots in Jakarta; that she and her husband were also questioned as witnesses in connection with an alleged illegal meeting, namely a PDI anniversary meeting they held on 10 January 1997 at their home,

*Considering* that, according to the Indonesian delegation, Ms. Megawati had violated Law 5/1963, which provided that « *whoever holds a political meeting, is obliged to inform the Police Office within three times 24 hours of the purpose, nature and implementation of the activity in question* »; that

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\* The Indonesian delegation expressed reservations about the resolution adopted by the Inter-Parliamentary Council, nevertheless stating that it would commend the Council's decision regarding the on-site mission to the competent authorities.

the case was still at the investigation stage, Ms. Megawati being a witness; *recalling also* that, according to the sources, a request to hold the meeting, which was initially planned for Bali, was submitted to the competent authorities which reportedly never replied; that the meeting was therefore held at Ms. Megawati's home,

*Considering* that Ms. Megawati lodged several lawsuits concerning her ouster as leader of the PDI; that, as regards the lawsuit she filed against the Government and Mr. Suryadi, Central Djakarta District Court declared itself incompetent to deal with the case; that, however, the High Court ruled otherwise and referred the matter back to Central Djakarta District Court; that Mr. Suyadi and the Government have appealed against that decision to the Supreme Court,

*Bearing in mind* that the Inter-Parliamentary Council, in the *Declaration on Criteria for Free and Fair Elections* adopted unanimously in Paris on 26 March 1994 with a delegation from the Indonesian Parliament in attendance, proclaimed that everyone had the right to join or, together with others, to establish a political party or organisation for the purpose of competing in an election,

*Recalling* that the *Universal Declaration of Human Rights*, which is recognised as a general standard on human rights, enshrines the right to freedom of association and the right to take part in the conduct of public affairs, which includes the right to stand for election,

*Noting finally* that, in a statement released on 12 January 1998 to draw the Government's attention to the need to address human rights and political reform within any economic reform that might be imposed, the Indonesian National Commission on Human Rights (Komnas HAM) recommended that the Indonesian Government take the following measures: (a) put an end to misuse of the law as an instrument of repression; (b) permit greater freedom of expression; (c) heed calls for greater political openness,

1. *Thanks* the Indonesian delegation for the information and observations it supplied and for its co-operation;
2. *Reiterates* the considerations and concerns as expressed in the resolution it adopted at its 161st session (September 1997), particularly in regard to the apparent absence of any measure to follow up the recommendations of the National Human Rights Commission concerning the July 1996 events;
3. *Expresses yet again its deep regret* that Ms. Megawati was unable to stand for election, and *is convinced* that this was not the outcome of a freely chosen decision but due to the legal entanglement in which she found herself;
4. *Is concerned* that investigations regarding the alleged illegal meeting of 10 January 1997 are seemingly still under way;
5. *Would appreciate* information on the stage reached in the lawsuit Ms. Megawati filed against the Electoral Board regarding its decision not to accept the electoral roll she had presented;
6. *Believes* that it is a matter of concern to the Indonesian Parliament to apply the principles proclaimed by the Inter-Parliamentary Union in its *Declaration on Criteria for Free and Fair Elections* and in its *Universal Declaration on Democracy*;
7. *Calls therefore once more* on the authorities, in the light of the principles proclaimed by the IPU, to reconsider the regulations on political parties;
8. *Entrusts* the Committee on the Human Rights of Parliamentarians - in view of the fundamental issues regarding freedom of expression, association and assembly involved in

this case - with conducting an on-site mission to Indonesia to consult with the authorities and the sources regarding this case;

9. *Notes with satisfaction* that the Indonesian delegation expressed its intention to relay the Committee's concerns and opinion in this matter to the competent Indonesian authorities,
10. *Requests* the Secretary General to convey these considerations to the Speaker of the House of Representatives, inviting him to ensure that the Committee's mission can be received in Jakarta in the very near future;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**CASE N° IDS/12 - ABERSON SIHALOHO - INDONESIA**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998) \**

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Aberson Sihalofo, a member of the House of Representatives of Indonesia,

*Taking account* of the information provided by the Indonesian delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Recalling* that Mr. Sihalofo, a member of Parliament for the Indonesian Democratic Party (PDI), was found guilty on 21 July 1997 of « *insulting the President of the Republic and other government organisations such as the armed forces and the parliament* » by reportedly stating on 13 July 1996 that « *our freedom has been stolen and we are being colonised again under Suharto's 30-year leadership* » and « *Imagine, all that is being bought with people's money is used to shoot people* » and « *Parliament is not representing the people but the conglomerates. The MPR (People's Consultative Assembly) has not materialised for the people, it is a materialisation of the rulers so that the MPR's decisions are not decisions of the people* »; that he was sentenced to nine months' imprisonment,

*Also recalling* that, according to the source, Mr. Sihalofo claims that he was partially misquoted and that his comments were taken out of context; *recalling also* that a substantial part of the evidence used as the basis of the prosecution was reportedly a videotaped recording of Mr. Sihalofo's speech which, his lawyers claim, could easily have been re-edited,

*Further recalling* that Mr. Sihalofo has lodged an appeal which is still pending and remains free,

*Noting finally* that in a statement released on 12 January 1998 to draw the Government's attention to the need to address human rights and political reform within any economic reform that might be imposed, Indonesian National Commission on Human Rights (Komnas HAM) recommended that the Indonesian Government take the following measures: (a) put an end to misuse of the law as an instrument of repression; (b) permit greater freedom of expression; (c) heed calls for greater political openness,

1. *Thanks* the Indonesian delegation for the information and observations it provided and for its co-operation;
2. *Remains deeply concerned* at the sentencing of Mr. Sihalofo, and *reaffirms* its conviction that the offending statement, if actually made, merely constituted an exercise of the right to

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\* The Indonesian delegation expressed reservations about the resolution adopted by the Inter-Parliamentary Council, nevertheless stating that it would commend the Council's decision regarding the on-site mission to the competent authorities.

freedom of speech, which would be quite meaningless if it did not include the right, in particular of members of Parliament, to give a value judgment on a government's policies;

3. *Wishes* to receive a copy of the judgment handed down on Mr. Sihaloho;
4. *Stresses* once again the fundamental importance of the right to freedom of speech for the proper functioning of parliamentary democracy, and *reaffirms* its belief that Parliaments should consequently have a particular interest in ensuring that this right is made as extensive as possible and can be exercised without risk, particularly of imprisonment;
5. *Earnestly hopes* that Mr. Sihaloho will not be punished on account of having exercised his freedom of speech;
6. *Entrusts* the Committee on Human Rights of Parliamentarians - in view of the fundamental issues regarding freedom of speech involved in this case - with conducting an on-site mission to Indonesia in order to hold consultations with the authorities and the sources regarding this case;
7. *Notes with satisfaction* that the Indonesian delegation expressed its intention to relay the Committee's concerns and opinion in this matter to the competent Indonesian authorities,
8. *Requests* the Secretary General to convey these considerations to the Speaker of the House of Representatives, inviting him to ensure that the Committee's mission can be received in Jakarta in the very near future;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**CASE N° MAL/11 - LIM GUAN ENG - MALAYSIA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Lim Guan Eng, a member of the House of Representatives of Malaysia,

*Taking account* of the information and observations supplied by the Malaysian delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Further taking account* of the information supplied by the sources on 5 and 6 April 1998,

*Recalling* that, on 28 February 1995, Mr. Lim Guan Eng was accused under Section 4 (1)(b) of the Sedition Act of prompting « disaffection with the administration of justice in Malaysia » for having stated that « double standards » were being applied by the Attorney General in a statutory rape case against the former Chief Minister of Malacca, Mr. Rahim Tamby Chik, because Attorney General Mohtar Abdulla had decided not to prosecute the latter, while the underage alleged victim, a fifteen-year-old Muslim schoolgirl, was placed in « protective custody » for ten days allegedly without parental consent,

*Recalling* that, in addition, on 17 March 1995, Mr. Lim Guan Eng was charged under Section 8 A(1) of the Printing and Publications Act with maliciously printing a pamphlet containing allegedly « false information », specifically because he had used the term « imprisoned victim » in reference to the rape victim,

*Recalling* that Mr. Lim Guan Eng's statement reflected widespread public disquiet over the handling of the alleged rape case, that in November 1994 the daughter of Prime Minister Mahathir Mohammed published an article under the title « Whither Justice ? » in which she described the authorities' treatment of the girl as a « gross mockery of justice »,

*Considering* that when asked why the Attorney General had not prosecuted any of the other persons voicing the same criticism as Mr. Lim Guan Eng, the Malaysian delegation stated that this was a matter for the Attorney General; for the Attorney General to institute investigations, a police report was required; as no police report was issued on Mr. Rahim Tamby Chik, the Attorney General was unable to institute investigations regarding him,

*Considering* that the girl had admitted having had sexual intercourse with Mr. Abdul Rahim Tamby Chik and with 14 other men; that while the police asked her to lodge a complaint against those men, they did not ask her to do so in regard to Mr. Tamby Chik; that whereas the 14 men, on the basis of her police report, were later charged in court, Mr. Tamby Chik was never charged or detained; that in this respect, the Malaysian delegation stated that there was not enough evidence to prosecute Mr. Tamby Chik and stressed that this was no indication of bias since, in other cases, Chief Ministers had been prosecuted,

*Recalling* that Mr. Lim Guan Eng's trial opened in January 1996, but was suspended in March 1996 pending a test case ruling, delivered by the Federal Court in July 1996; that the standard of proof required at the end of a prosecution's case was that of « beyond reasonable doubt » and not the previously upheld standard of *prima facie* evidence,

*Recalling* that, following the Federal Court's ruling, the judge in Mr. Lim Guan Eng's case unexpectedly found that the prosecution had in fact proved both charges against Mr. Lim Guan Eng « beyond reasonable doubt » and that the defence had a case to answer,

*Recalling* that regarding the allegedly seditious verbal statements, the judge ruled that the report of a single junior police officer, unsupported by a sound recording as is normal practice in sedition cases, constituted sufficient evidence to proceed; that, as regards the charge of printing « false information », the judge ruled that the prosecution had proven beyond reasonable doubt evidence suggesting that the words « imprisoned victim » were false - apparently ignoring assertions that the statutory rape victim had been detained by police for ten days without parental consent,

*Recalling* that Mr. Lim Guan Eng was sentenced, on 28 April 1997, under Section 4 (1)(b) of the Sedition Act for prompting « *disaffection with the administration of justice in Malaysia* » to the maximum fine of RM 5,000 and, under Section 8 A(1) of the Printing and Publications Act, for maliciously printing a pamphlet containing « *false information* », to a fine of RM 10,000,

*Recalling also* that, according to the source, there was no valid proof that Mr. Lim Guan Eng had indeed made the offending statement since his speech was not recorded on tape or video, as would normally be required in sedition cases, but had been taken down by a police officer from notes and memory,

*Recalling* that, according to the sources, the Attorney General, in an unprecedented move, appealed against this sentence before Mr. Lim Guan Eng had even filed his own appeal as he considered that the sentences imposed were « *inadequate in view of the gravity of the offences which is against the administration of justice* »,

*Considering* that, according to the sources, the judgment is dated 28 February 1997, which in their view is strange as the judge, when delivering the judgment orally on 28 April 1997, stated that « *he was not ready with the written judgment* »; that, moreover, the sources affirm that the written version of the judgment « radically departs » from what was read in Court. The sources fear that there may be a miscarriage of justice as Mr. Lim Guan Eng's case may have been « *pre-judged* »,

*Considering* that, on 1 April 1998, a three-judge panel of the Appeal Court unanimously dismissed Mr. Lim Guan Eng's appeal and imposed the two concurrent 18-month prison terms sought by the Attorney General; that the court ordered a stay of execution on the prison sentence; that, however, as Mr. Lim Guan Eng was unable to raise bail in time, he was handcuffed and had to stay overnight in prison,

*Considering* that Mr. Lim Guan Eng will lodge a fresh appeal with the Federal Court, Malaysia's highest judicial authority, and has requested that the matter be ruled upon by a full bench of nine judges,

*Considering* that if the sentence becomes binding, Mr. Lim Guan Eng will forfeit his seat in Parliament,

*Bearing finally in mind* that, according to the sources, on 6 April 1998 Prime Minister Mahathir publicly defended the 36-month jail term handed down on Mr. Lim Guan Eng; that - in view of the sources - this makes it difficult for the Federal Court to fairly and independently exercise its judicial jurisdiction in Mr. Lim Guan Eng's appeal case against both the conviction and the sentence, given that the « *Yang di Pertuan Agong* », the constitutional body competent to make all judicial appointments, has to act on the Prime Minister's advice,

1. *Thanks* the Malaysian delegation for the information and observations it provided;
2. *Is appalled at* the decision handed down by the Appeals Court setting aside the fine and imposing the three-year prison term sought by the prosecution;
3. *Expresses deep concern* at the public statement made by the Prime Minister on a *sub judice* case and *fears*, particularly in view of his role with regard to judicial appointments including that of the judges of the Federal Court, that this may denote a clear bias and impede the independent and impartial functioning of the judiciary in the case of Mr. Lim Guan Eng;
4. *Finds* the Prime Minister's public statement all the more disturbing since Mr. Lim Guan Eng seems to have been singled out in this case as the following facts tend to indicate: the police asked the statutory rape victim to lodge a police report against 14 men but not against Mr. Rahim Tamby Chik, despite her having admitted having had sexual intercourse with him; that, among the many critics of the Attorney General's handling of the case in question, only a police report on Mr. Lim Guan Eng was filed, which led to his prosecution;
5. *Can but firmly reiterate* its previous concerns and considerations as expressed in the resolution on the case adopted by the Inter-Parliamentary Council at its 161st session in September 1997;
6. *Reaffirms* that even if Mr. Lim Guan Eng had made the alleged offending statements, which he denies, he would merely have been fulfilling the mandate entrusted to him by his constituents and carrying out his parliamentary oversight function, which includes inquiring into the administration of justice;
7. *Notes* that Mr. Lim Guan Eng is free on bail and is to lodge a final appeal with the Federal Court;
8. *Earnestly hopes* that Mr. Lim Guan Eng will finally not be singled out and convicted for a critical statement that was not considered to constitute an offence when made - in similar and even harsher terms - by others;
9. *Deems it necessary*, in view of the important issues involved in this case, to gather further information directly from the authorities, the parliamentarian concerned and his lawyers, and consequently *entrusts* the Committee on the Human Rights of Parliamentarians with carrying out an on-site mission for this purpose;
10. *Notes with satisfaction* that the Malaysian delegation has stated its intention to relay the Committee's concerns and intentions to the competent Malaysian authorities;
11. *Requests* the Secretary General also to convey these considerations to the Speaker of the House of Representatives, inviting him to ensure that the mission of the Committee can be received in Malaysia in the very near future;
12. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).



**MYANMAR**

Parliamentarians still detained:

<b>CASE N° MYN/01 - OHN KYAING</b>	<b>CASE N° MYN/41 - ZAW MYINT</b>
<b>CASE N° MYN/04 - KHIN MAUNG SWE</b>	<b>CASE N° MYN/42 - MYA WIN</b>
<b>CASE N° MYN/09 - U SEIN HLA OO</b>	<b>CASE N° MYN/60 - ZAW MYINT MAUNG</b>
<b>CASE N° MYN/10 - WIN HLAING</b>	<b>CASE N° MYN/68 - AUNG KHIN SINT</b>
<b>CASE N° MYN/13 - NAING NAING</b>	<b>CASE N° MYN/71 - KYI MYINT</b>
<b>CASE N° MYN/26 - HLA TUN</b>	<b>CASE N° MYN/72 - SAW WIN</b>
<b>CASE N° MYN/28 - TIN AUNG AUNG</b>	<b>CASE N° MYN/73 - FAZAL AHMED</b>
<b>CASE N° MYN/36 - MYINT NAING</b>	

Parliamentarians deceased:

**CASE N° MYN/53 - HLA THAN**  
**CASE N° MYN/55 - TIN MAUNG WIN**  
**CASE N° MYN/66 - WIN KO**  
**CASE N° MYN/67 - HLA PE**

Parliamentarians arrested since 1996:

<b>CASE N° MYN/83 - KYAW MIN</b>	<b>CASE N° MYN/108 - MIN SWE</b>
<b>CASE N° MYN/84 - SOE THEIN</b>	<b>CASE N° MYN/109 - THAN AUNG</b>
<b>CASE N° MYN/85 - KHUN MYINT HTUN</b>	<b>CASE N° MYN/110 - TIN MIN HTUT</b>
<b>CASE N° MYN/86 - AYE SAN</b>	<b>CASE N° MYN/111 - SAW LWIN</b>
<b>CASE N° MYN/87 - DO HTAUNG</b>	<b>CASE N° MYN/112 - HLA WIN</b>
<b>CASE N° MYN/88 - CHIT HTWE</b>	<b>CASE N° MYN/113 - AYE THAN</b>
<b>CASE N° MYN/89 - MYO NYUNT</b>	<b>CASE N° MYN/114 - OHN NAING</b>
<b>CASE N° MYN/100 - HLA MYINT</b>	<b>CASE N° MYN/115 - THEIN ZAN</b>
<b>CASE N° MYN/101 - SAW OO REH</b>	<b>CASE N° MYN/116 - NYUNT HLAING</b>
<b>CASE N° MYN/102 - HLA MIN</b>	<b>CASE N° MYN/117 - KYAW MYINT</b>
<b>CASE N° MYN/103 - TIN AUNG</b>	<b>CASE N° MYN/118 - THAN NYEIN</b>
<b>CASE N° MYN/104 - KYAW KHIN</b>	<b>CASE N° MYN/119 - D MAY WIN MYINT</b>
<b>CASE N° MYN/105 - KYIN THEIN</b>	<b>CASE N° MYN/120 - D SAN SAN</b>
<b>CASE N° MYN/106 - KYAW TIN</b>	<b>CASE N° MYN/121 - U TIN OO</b>
<b>CASE N° MYN/107 - SAN MYINT</b>	<b>CASE N° MYN/122 - MIN SOE LIN</b>

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the above-mentioned elected members of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar,*

*Recalling* that the persons concerned are all members of the NLD (National League for Democracy) elected in the legislative elections of 27 May 1990 to the Pyithu Hluttaw (People's Assembly) which the military regime of SLORC has to date failed to convene; that 15 are among those arrested between 1990 and 1993 under legislation proclaiming a state of emergency; that the others were arrested in the following years, the majority under the Emergency Provisions Act which gives SLORC wide discretionary power to arrest anyone it considers «*to disrupt the security or reconstruction of the stability of the Union*»,

*Recalling* that the MPs-elect arrested between 1990 and 1993 were sentenced either for having organised a meeting in Mandalay for the formation of a parallel government or for co-authorship of an anti-government seditious paper entitled «*Three ways to attain power*»; that all but the 15 persons referred to above were granted an amnesty, mostly under SLORC Declaration N° 11/92; that, in July 1996, the authorities stated that the cases of the remaining detainees were kept under regular review «*taking into account their good conduct, behaviour etc., and those who merit amnesty on the score will also be released in accordance with the terms of Declaration N° 11/92*»,

*Recalling* that since then there are continuing reports of renewed arrests of NLD MPs-elect, the latest regarding U Tin Oo, who was allegedly arrested by military intelligence and police officials at midnight on 31 October 1997 at the house of a friend in Henzada for not registering as a visitor and subsequently sentenced by Henzada Township Court to 15 years' imprisonment with hard labour; that Dr. Than Nyein, Daw San San and Daw May Win Myint were arrested on 28 October 1997, the latter having since been sentenced to six years' imprisonment under Section 5j of the 1950 Emergency Provisions Act while the former are still awaiting sentencing and are barred from receiving any family visits; that Dr. Min Soe Lin was arrested on 6 November 1997 in Mudon under the same provision for organising Mon National Day celebrations,

*Recalling* that there are consistent reports of inhuman and degrading treatment in Myanmar prisons; that Saw Naing Naing (MYN/13), Dr. Myint (M) Aung (MYN/60), Myint Naing (MYN/36) and U Hla Than (MYN/53) were reportedly sentenced to additional jail terms of five to twelve years each under the Emergency Provisions Act for «*causing or intending to disrupt the morality or behaviour of a group of people or the general public, or disrupting the security or reconstruction of the stability of the Union*», apparently for attempting to pass information about prison conditions to the United Nations Special Rapporteur on Myanmar,

*Recalling* that SLORC is putting pressure on the NLD MPs-elect to resign from their positions as MPs-elect and from the party itself; that members of military intelligence have reportedly threatened and harassed MPs-elect, telling them that they and their families would lose their jobs if they did not resign; that, according to the report of the Special Rapporteur on the human rights situation in Myanmar submitted to the United Nations General Assembly in October 1997 (A/52/484), he «*continues to receive reports alleging that SLORC continues to harass and keep the NLD supporters under pressure by sentencing their members under made-up charges when they decline to resign*»,

*Considering* that, in the same report, the United Nations Special Rapporteur emphasised again that the «*core of the problem in Myanmar lay in the absence of respect for rights pertaining to democratic governance insofar as that absence implied a structure of power that was autocratic and accountable only to itself, thus inherently resting on the denial and repression of fundamental rights*»,

*Considering finally* that on 1 July 1997 the Union of Myanmar was admitted to membership in ASEAN,

1. *Reaffirms its indignation* that the authorities of the Union of Myanmar continue to ignore the outcome of the election of 27 May 1990, and *calls on* them to take the necessary measures to institute a process of transition to democracy genuinely involving the representatives democratically elected in 1990;

2. *Expresses its outrage* that the authorities seemingly continue to arrest MPs-elect only because they have sought to exercise their fundamental freedoms and human rights, and *urges* the authorities to release them immediately and unconditionally;
3. *Reiterates* the concerns and considerations expressed in its previous resolutions, including its wish to receive detailed information on the places and conditions of detention and the state of health of the detainees, on the charges and the legal grounds for the sentences handed down on the detained NLD MPs-elect, and on the facts underlying the charges, and *requests* the authorities once again to verify the relevant information contained in the attached list;
4. *Remains concerned* at the continuing reports of NLD MPs-elect being forced to resign, and calls on the competent authorities to ensure that such harassment is ended;
5. *Recalls* that the Union of Myanmar, a member of the United Nations, is bound to respect the rights established in the Universal Declaration of Human Rights, which is recognised as a general standard on human rights, in particular the right of all to take part in the government of their country, the right to liberty and security of person, the right to be treated with dignity and humanity, the right to a fair trial and the right to freedom of expression and association;
6. *Earnestly hopes* that the admission of Myanmar to ASEAN will help to bring its law and practice more into line with international human rights standards;
7. *Formally reiterates* its wish to conduct an on-site mission to the Union of Myanmar;
8. *Requests* the Secretary General to convey this resolution to the authorities, inviting them once again to provide the requested information, and to seek their agreement to the visit of such a mission;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**LIST OF MPS CURRENTLY DETAINED**  
(according to information provided by the sources and the authorities)

NAME		CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/01	U. OHN KYAING	SE Mandalay-2, Mandalay	7/9/90	7 or 10 yrs		Insein Prison
MYN/04	U. KHIN MAUNG SWE	Sanchaung	first arrest 10/90; released 05/92; re- arrested 08/94	10 yrs; then 7 yrs	writing and distributing false news	
MYN/09	U. SEIN HLA OO	Insein 2, Rangoon	first arrest 05 or 10/90; released 05/92; re- arrested 08/94	10 yrs; then 7 yrs	writing and distributing false news	
MYN/10	U. WIN HLAING	Tatkon 2, Mandalay	24/10/90	7 or 10 yrs		Insein Prison
MYN/13	U. Saw. NAING NAING	Pazundaung, Rangoon	25/10/90	10 yrs	In 1996 rep. sentenced to additional 7 yrs rep. for attempt to pass info about prison condition to UN Special Rapporteur	Insein Prison
MYN/26	U. HLA TUN	Kyimyindine, Rangoon	10/90 or 3/01/91	10 yrs (authorities) 25 yrs (sources)		acc. to authorities released (4/2/95)
MYN/28	U. TIN AUNG AUNG	NW Mandalay-1, Mandalay	../11/90	25 yrs		Insein Prison
MYN/36	DR. MYINT NAING	Kantbalu 2, Sagaing	../10/90-	25 yrs	In 1996 rep. sentenced to additional 7 yrs rep. for attempt to pass info about prison condition to UN Special Rapporteur	Insein Prison
MYN/41	DR.ZAW MYINT	Heinzata-2, Irrawady	../10/90	25 yrs		Insein Prison
MYN/42	U. MYA WIN	Ingapu-1, Irrawady	../10/90	25 yrs		Insein Prison
MYN/60	DR. ZAW MYINT MAUNG	Amararpura-1, Mandalay	../11/90	10 yrs (authorities) 25 yrs (sources)	In 1996 rep. sentenced to additional 7 yrs rep. for attempt to pass info about prison condition to UN Special Rapporteur	Insein Prison

MYN/68	DR. AUNG KHIN SINT	Minglataungnyunt-1, Rangoon	../8/93; released on 04/02/95; re-arrested 05/96	20 yrs on 15/10/93 has to serve remainder of 20 yrs sentence	<ul style="list-style-type: none"> <li>rep. for unscrupulous activities to undermine National Convention (Oct.93);</li> <li>NLD meeting of May 1996</li> </ul>	
MYN/71	U. KYI MYINT	Latha, Rangoon	.../08/93	20 yrs with labour (15/10/93)	distributing seditious books and pamphlets published by terrorist groups (authorities)	Insein Prison
MYN/72	U. SAW WIN	Htilin, Magwe	12/12/91	11 yrs with labour (23/08/91)	misappropriation of teakwood to be supplied to Thanlyin Bridge project (authorities)	
MYN/73	U. FAZAL AHMED	Maungdaw-2		5 yrs-(15/3/93)	planting a land mine in the Maungdaw Golf course (authorities)	may have been released

**REPORTED ARRESTS SINCE 1996**

LIST OF PARLIAMENTARIANS <sup>1</sup>	CONSTITUENCY	DATE OF ARREST	SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION	
MYN/83	U. KYAW MIN	Bassein west-2, Irrawady	21/05/96; rep. in relation with NLD Congress		rep. held under Section 10(a) State Protection Law (« <i>endangering the peace of most citizens</i> »)	
MYN/84	U. SOE THEIN	Waw-2, Pegu.	21/05/96; rep. in relation with NLD Congress		rep. held under Section 10(a) State Protection Law (« <i>endangering the peace of most citizens</i> »)	
MYN/85	U. KHUN MYINT HTUN	Thaton-2, Mon State	00/05/96, rep. in connection with NLD Congress	7 yrs (source)		
MYN/86	DR. AYE SAN	Kyaikhto 2, Mon State				
MYN/87	U. DO HTAUNG	Kalay-1, Sagaing Div.	00/05/96; rep. in connection with NLD Congress	7 yrs (source)		
MYN/88	U. CHIT HTWE	Myothit-2, Magwe	rep. 02/07/96		rep. under Section 6/1 Public Property Protection Law for stealing Burma Socialist Party documents	

MYN/89	Dr. MYO NYUNT	Dedaye I, Irrawady	rep. 24/07/96; rep. remained in Aung San Suu Kyi's compound after NLD Congress and arrested when returning home		rep. under Section 18/19 of National Drugs Law for illegal manufacture of pharmaceuticals	
MYN/100	U. HLA MYINT	Maubin-2, Irrawady		rep. 2 yrs.	rep. under Section 6(1) of Public Property Protection law; rep. for having spoken disrespectfully to a township official	Maubin Prison
MYN/101	U. SAW OO REH	Phru-so Township, Kayah State	rep./11/96	rep. 17 yrs after trial on 29/11 and 18/12/96	rep. for having contact with insurgents, writing materials undermining national security and publishing without authorization	
MYN/102	U. HLA MIN	Kawthoung, Tenasserim	rep.19/11/96 in connection with student demonstrations		rep. arrested for having connections with 2 musicians (who were sentenced for recording democracy songs broadcast on an overseas opposition radio station)	
MYN/103	U. TIN AUNG	Wakema-1, Irrawaddy	rep. 13/12/96 in connection with student demonstrations		rep. charged under Section 5e of Emergency Provisions Act for taking part in the funeral of a one time member of the NLD organizational committee	
MYN/104	U. KYAW KHIN	Taunggyi-1, Shan State	rep. 03/06/96	rep. sentenced to 10 yrs	rep. for agitating to incite civil unrest and obtaining video recordings of foreign TV broadcasts	
MYN/105	U KYIN THEIN	Kyar-in-seit, Kayin	between ../07 - ../09/1996	rep. 7 yrs.	Section 5(j) Emergency Provisions Act	Moulmein Prison, Mon State
MYN/106	U KYAW TIN	Saw Township, Magwe Division	between ../07 - ../09/1996	rep. 2 yrs	Video Act	Pakokku Prison, Magwe Division
MYN/107	U. SAN MYINT	Laymyetnha-2, Irrawady	rep. late 1996	rep. 2 yrs	rep. TV and Video Act	
MYN/108	U MIN SWEMIN SWE	Pyapon-2, Irrawady	rep. 28/10/96			
MYN/109	DR. THAN AUNG	Mingalataungnyunt-2, Rangoon	rep. 21/02/97 in connection with NLD Union Day meeting	rep. 4 yrs (11/04/97)	rep. under Section 304(a) of Penal Code for homicide through negligence	

MYN/110	U. TIN MIN HTUT	Pantanaw-1, Irrawady	rep./02/97 in connection with NLD Union Day meeting		rep.charged with holding illegal currency	may have been released
MYN/111	U. SAW LWIN	Kyaunggon-2, Irrawady	rep. 02/97 in connection with NLD Union Day meeting		rep. charged under Section 5e Emergency Provisions Act	
MYN/112	Dr. HLA WIN	Kyaunggon-1, Irrawady	rep. 15/02/97 in connection with NLD Union Day meeting		rep. charged under Section 5e of Emergency Provisions Act	
MYN/113	U AYE THAN	Paungde-2, Bago	rep. 11/02/97 on way to NLD Union Day celebrations			
MYN/114	U OHN NAING	Paungde-1, Bago	rep. 11/02/97 on way to NLD Union Day celebrations			
MYN/115	U THEIN ZAN	Aunglan, Pegu	rep. 24/02/97		Section 5 (j) of Emergency Provisions Act	
MYN/116	U NYUNT HLAING	Myayde-1, Magwe	rep. 24/02/97		Section 5 (j) of Emergency Provisions Act	
MYN/117	U KYAW MYINT	Zalun-1, Irrawady				
MYN/118	THAN NYEIN	Kyauktan Township	28 October 1997			
MYN/119	DAW MAY WIN MYINT	Mayangone	28 October 1997	6 years	Section 5j of Emergency Provisions Act	Insein Prison
MYN/120	DAW SAN SAN	Seikkan, Yangon Division	28 October 1997	5 years	Section 5j of Emergency Provisions Act	Insein Prison
MYN/121	U TIN OO	Myanaung 1, Ayeyarwady	31 October 1997	15 years		
MYN/122	MIN SOE LIN	Ye 1, Mon State	6 November 1997		Section 5j of Emergency Provisions Act	

## NIGERIA

CASE N° NIG/41 - AMEH EBUTE  
 CASE N° NIG/42 - AMADI OKORAFOR  
 CASE N° NIG/43 - REV. MAC NWULU  
 CASE N° NIG/44 - POLYCAP NWITE

CASE N° NIG/45 - ABU IBRAHIM  
 CASE N° NIG/46 - BOLA AHMED TINUBU  
 CASE N° NIG/47 - OLAWALE OSHUN  
 CASE N° NIG/48 - O. J. ADEWUNMI

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
 (Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Having before it* the case of Senator Adewunmi, a member of the dissolved Senate of Nigeria, 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* »,

*Referring* to the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), which contains a detailed outline of the case, and to the resolution adopted at its 161st session (September 1997) concerning the case of the above-mentioned members of the Parliament of Nigeria dissolved in 1993,

*Considering* that, according to one of the sources, Senator Adewunmi, former Chairman of the Senate Committee on Economic Planning, has been detained for almost two years without any charges having been brought against him; that the source fears that he is kept in detention solely on account of his opposition to General Abacha's regime,

*Recalling* that Senators Ebute, Okorafor, Nwulu, Nwite, Ibrahim and Tinubu were arrested on 2 June 1994 and charged with treasonable felony and conspiring with others to overthrow the Government because they had met on 30 May 1994 and urged General Sani Abacha to step down as Head of State; that, on 22 July 1994, they were released on bail and that in December 1995 their cases were closed with the exception of that of Senator Tinubu, who was subsequently also charged with sabotaging oil installations and went into exile for fear of his life; that the others have been warned against criticising the Government, are under strict surveillance and keep silent for the sake of their lives,

*Recalling* that Mr. Olawale Oshun, a member of the dissolved House of Representatives, was arrested on 19 May 1995 and detained *incommunicado* without charge; that he was released in December 1995 and went underground in April 1996 after two raids on his office and his home, and that he has subsequently gone into exile,

*Recalling* that various sources reported in early 1997 that Senators Ebute and Polycap Nwite were now co-operating with the regime and were participating in the process of transition to civilian rule established by the regime; that, on the basis of this information, the Committee recommended to the Inter-Parliamentary Council at its 161st session (September 1997) that it close their cases,



*Considering*, however, that in October 1997 the sources reported that in fact Senator Polycap Nwite had been re-arrested in May 1997 and since remained in detention without any charges having been brought against him; that he was reportedly arrested for having met Senator Tinubu abroad and for allegedly plotting with him to carry out bomb attacks in Nigeria; that Senator Ebute was reportedly also kept in detention for some time,

*Considering* that, according to one of the sources, Senator Nwulu is seriously ill; that, however, the authorities refuse to allow him to travel abroad for the necessary medical treatment,

*Considering finally* that Senator Tinubu remains charged with treason for participating in the Senate meeting that called on General Abacha to step down and for planning to bomb the Egigbo oil depot; that both charges are punishable with life imprisonment or the death penalty,

1. *Is outraged* at the renewed arrest and detention of Senator Polycap Nwite, and *urges* the authorities to release him immediately or institute due judicial process under a tenable criminal charge without further delay;
2. *Expresses deep concern* at the arrest and detention without charge of Senator Adewunmi, and likewise *urges* the authorities either to release him immediately or to bring him to trial without delay on a tenable criminal charge;
3. *Wishes* to ascertain the current situation of Senators Nwite and Adewunmi and in particular:
  - (i) The exact date and legal grounds for their arrest;
  - (ii) The facts adduced to substantiate the charges and whether defence counsel is available to them;
  - (iii) The place and exact conditions of their detention, in particular whether they are allowed visits from their relatives and/or defence counsel;
  - (iv) Their state of health;
4. *Is deeply concerned* that Senator Nwulu is prevented from travelling abroad for the medical treatment he requires, and *urges* the authorities to respect his right to freedom of movement and to cease preventing him from leaving the country;
5. *Remains concerned* that Senators Okorafor and Ibrahim are under strict surveillance and risk arrest if they criticise the Government;
6. *Wishes* to ascertain the current situation of Senator Ebute;
7. *Reiterates its conviction* that Senator Tinubu has been charged solely on account of the political stand he has taken against the present military regime, and *urges* the authorities to withdraw the charges against him;
8. *Recalls* that Nigeria, as a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights, has a duty to respect and protect the rights guaranteed therein, in particular the right to security and liberty of person, the right to freedom of expression and association, the right to leave and to return to one's country in safety, the right to justice and the right of anyone having suffered unlawful arrest or detention to mandatory compensation;
9. *Calls once again* on the Nigerian authorities to comply with their obligations under international human rights standards and to restore the right to freedom of expression and association and the rule of law, without which there can be no genuine transition to civilian rule, which the military rulers of the country have pledged to restore;

10. *Requests* the Secretary General to resume contact with the competent authorities and invite them to supply the requested information;
11. *Also requests* the Secretary General to bring its concerns to the notice of any international organisation or body which may be able to provide the information sought and take appropriate action;
12. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

CASE N° TG/01 - MARC ATIDÉPÉ )  
CASE N° TG/02 - TAVIO AMORIN ) TOGO  
CASE N° TG/03 - GASTON AZIADUVO EDEH )

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of Mr. Marc Atidépé, Mr. Tavio Amorin and Mr. Gaston Aziaduvo Edeh, of Togo,

*Taking into consideration* the information provided by the Togolese delegation to a Committee member on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Recalling* that Mr. Atidépé, Mr. Amorin and Mr. Edeh were assassinated in May and July 1992 and February 1994, respectively; that the killings were allegedly carried out by military personnel,

*Also recalling* that, contrary to the information provided by the authorities up until June 1996, the investigations into these assassinations were shelved under the 1994 Amnesty Law covering all politically motivated offences and crimes committed before that date,

*Further recalling* in this connection the will of the Togolese authorities to take into consideration the question of the right to restitution, compensation and redress, as manifested in a Government report submitted on 6 March 1996 to the United Nations Commission on Human Rights, and by the Togolese delegation to the 96th Inter-Parliamentary Conference (September 1996),

*Finally recalling* that, at the hearing held in Cairo, the President of the National Assembly stated that he would take the necessary initiatives with the Government to ensure that the families of the deputies concerned received adequate compensation,

*Considering* that, by decision N° 1237/MEF/DF/DCO dated 25 November 1997, the Government decided to award compensation of CFA.F 10,000,000 each to the families of Mr. Atidépé, Mr. Amorin and Mr. Edeh and that, according to the Togolese delegation, this sum has already been transferred to the bank account of the National Assembly, whose President was to ensure its payment to the families of the victims,

1. *Thanks* the President of the National Assembly for his efforts to resolve the question of compensation;
2. *Also thanks* the Togolese delegation for the information provided and for its co-operation;
3. *Reaffirms* the important human rights principle that victims of violations of their human rights or those of their families are entitled to know the truth, to enjoy justice and to receive compensation, as the foundations of any real reconciliation and lasting appeasement, and *regrets* that the right to know the truth and enjoy justice has not prevailed in this case;

4. *Nevertheless notes with satisfaction* the decision of the Government to compensate the families of Mr. Atidépé, Mr. Amarin and Mr. Edeh and the payment of the compensation into the bank account of the National Assembly, thus at least ensuring respect of the right to compensation, and *looks forward* to rapid disbursement of the sum;
5. *Hopes* to be able at its next meeting (September 1998) to close this case following payment of the compensation;
6. *Requests* the Secretary General to convey this decision to the President of the National Assembly;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

## TURKEY

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

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998) \**

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/162/11(a)-R.1), and to the resolution adopted at its 161st session (September 1997) concerning the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly,

*Taking account* of the communication from the President of the Turkish Grand National Assembly dated 1 April 1998,

*Also taking account* of the observations made by the Turkish delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Recalling* that Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak were found guilty of being members of the PKK and sentenced to 15 years' imprisonment,

*Recalling* that they were never accused of any acts of violence or advocacy of violence; that the verdict relied heavily on the deputies' public speeches and writings quoted in the indictment - in which they repeatedly assert the Kurdish minority to be a group with a distinct identity but do not advocate violence - as evidence of their membership of the PKK; that the acts relied on in the judgement as evidence of membership of the PKK include: a press statement in connection with the taking of the parliamentary oath; the « wearing of yellow, green and red accessories » while taking the oath; a public statement to the United Nations on 2 April 1992 calling for investigation of the killing of civilians during disturbances at the time of Newruz, the Kurdish New Year, of 21 March 1992 and a petition of 20 November 1991 to the Conference on Security and Co-operation in Europe calling for that organisation to appoint a body to monitor human rights in Turkey,

*Recalling* that contacts they had with PKK members were also adduced as evidence; that some of them had indeed met Abdullah Öcalan, the leader of the PKK; that, however, that mission had had the blessing of the then President Turgut Özal, who agreed in early 1993 that they should mediate in the conflict; that during their mission to Damascus which resulted in an extension of the cease-fire, they were reportedly welcomed by an official from the Turkish Embassy in Syria,

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

*Recalling* that the many appeals of international bodies, such as the European Parliament, the Parliamentary Assembly of the Council of Europe, and the OSCE's Parliamentary Assembly, for their release went totally unheeded,

*Recalling in this connection* that, in his letter of 16 December 1997, the President of the Turkish Grand National Assembly stated that «*Mr. Türk, Mr. Dicle, Mr. Dogan and Mrs. Zana were convicted of being members of a terrorist organisation, as stipulated in Article 168 of the Turkish Penal Code, while Mr. Alinak and Mr. Sakik were convicted under the Anti-Terrorism Law of praising terrorist violence against the unity of the State. To grant amnesty to these parliamentarians requires a general consensus within the Turkish Parliament for a constitutional amendment since Article 87 of our Constitution prohibits an amnesty to persons convicted for such acts*»,

*Recalling* that, on 26 November 1997, the European Court of Human Rights delivered its judgment on the complaint which Mr. Sakik, Mr. Türk, Mr. Alinak, Mrs. Zana, Mr. Dicle and Mr. Dogan had lodged in March 1994 with the European Commission on Human Rights, regarding *inter alia* their arrest and detention in police custody; that the Court found that Turkey had breached Article 5, paragraphs 3 (right to be promptly brought before a judge), 4 (right to judicial review) and 5 (right to compensation) of the European Convention on Human Rights and awarded the former MPs concerned compensation for non-pecuniary damage; that the Committee found the judgment to be an additional ground for releasing the former MPs concerned,

*Considering* that, in his letter of 1 April 1998, the President of the Turkish National Group expressed the view that the European Court decision was not an additional ground warranting the Committee's appeal for their release since the Court had not found a violation of Article 5, paragraph 1, which meant that their arrest was lawful,

*Considering* that, in January 1996, Mrs. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak appealed against the judgment handed down on them; that this case is currently pending with the European Commission on Human Rights, which on 24 October 1997 declared it partly admissible and partly inadmissible,

*Recalling* the judgment handed down on Mr. Türk, Mr. Alinak, Mr. Sakik and Mr. Yurtdas, who have been stripped of their political rights for life, and on Mr. Alinak and Mr. Yurtdas, both lawyers, who have further been debarred for life from exercising their profession,

*Considering* that Mr. Hatip Dicle was sentenced to a further four months' imprisonment for «*disseminating separatist propaganda*»; that charges were laid against him reportedly because of a supportive letter he had sent from prison to prisoners in Cankiri Prison who were on a hunger strike and whereby he attempted to raise the prisoners' morale; that letter reportedly never reached its addressees; that the sentence was reduced on appeal from 8 to 4 months because the letter had never reached its destination,

*Recalling* the assertion of the Turkish delegation to the 97th Inter-Parliamentary Conference (April 1997) that the Turkish Government was making every effort to bring Turkish legislation into line with European human rights standards, and that the approaching end of the fight against terrorism in south-eastern Turkey permitted a broader interpretation of the concept of freedom of expression,

*Bearing in mind* the interpretation given by the European Court of Human Rights to freedom of expression, namely that «*freedom of expression constitutes one of the essential foundations of (such) democratic society, one of the basic conditions for its progress and for the development of every man. Subject to Article 10 (2), it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that*

*pluralism, tolerance and broadmindedness without which there is no democratic society* » (Handyside v. UK, September 1976),

1. *Thanks* the President of the Turkish National Group for the information he provided and for his consistent co-operation;
2. *Also thanks* the Turkish delegation for the observations it supplied;
3. *Can but reaffirm its conviction* - in view of the evidence adduced to substantiate the charges held against Ms. Zana, Mr Dogan, Mr. Dicle and Mr. Sadak - that they were sentenced on account of having exercised their right to freedom of expression by advocating a political solution to the conflict in south-eastern Turkey;
4. *Calls once more* on the Turkish authorities to release the former MPs concerned in line with their stated commitment to adapting Turkish legislation to European human rights norms, and *invites once again* the Turkish Grand National Assembly to make every effort to that end;
5. *Considers* that this would be a tangible demonstration of the stated political will of the Turkish authorities to review Turkey's human rights policy and would undoubtedly further a solution to the conflict in south-eastern Turkey;
6. *Considers* that the judgment delivered by the European Court on Human Rights on 27 November 1997 is an additional ground warranting their immediate release pending a decision on the second case before the European Commission;
7. *Once again calls on* the authorities to reconsider the judgment handed down on Mr. Türk, Mr. Alinak, Mr. Sakik and Mr. Yurtdas, who have been stripped of their political rights for life, and on Mr. Alinak and Mr. Yurtdas, both lawyers, who have further been debarred for life from exercising their profession;
8. *Is concerned* at the additional prison term handed down on Mr. Dicle and *fails to understand* how the facts, as brought to its knowledge, could be described as disseminating separatist propaganda;
9. *Considers* that his conviction indicates no great willingness on the part of the Turkish authorities to abide by their pledge to bring their legislation into line with European human rights standards;
10. *Requests* the Secretary General to bring these considerations to the attention of the Turkish parliamentary authorities;
11. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).

**CASE N° TK/63 - HASAN MEZARCI - TURKEY**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 162nd session  
(Windhoek, 11 April 1998) \**

The Inter-Parliamentary Council,

*Having before it* the case of Mr. Hassan Mezarci, a former member of the Turkish Grand National Assembly, 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/161/11(a)-R.1), which contains a detailed outline of the case,

*Taking account* of the letter from the President of the Turkish National Group dated 1 April 1998,

*Also taking account* of the observations supplied by the Turkish delegation at the hearing held on the occasion of the 99th Inter-Parliamentary Conference (April 1998),

*Recalling* that the case of Mr. Mezarci was first submitted to the Committee in March 1994 and that the information supplied at the time was the following: Mr. Mezarci was arrested upon leaving Parliament on 2 March 1994 after his parliamentary immunity had been lifted the same day; he was accused of having violated Articles 1 and 2 of Law 5816 by insulting Atatürk on the occasion of a panel discussion on human rights held on 4 June 1992 at the Bandirma Bird Festival; he had called for an investigation into the alleged extrajudicial killing of Ali Sükrü, a member of Parliament for Trabzond in the 1920s who, Mr. Mezarci claimed, was murdered on Atatürk's orders,

*Recalling* that the Committee decided to close the case when, on the occasion of the 93rd Inter-Parliamentary Conference (March/April 1995), it was informed by the then President of the Turkish National Group that the charges against Mr. Mezarci had been dropped,

*Recalling* that, contrary to this information, not only were the charges against Mr. Mezarci not dropped but they led to his sentencing to 18 months' imprisonment on 29 January 1996 by Bandirma Penal Court; that the Appeal Court upheld the judgment; that Mr. Mezarci is currently serving his sentence,

*Considering* that, in his letter of 5 January 1998, the President of the Turkish National Group stated that various judicial proceedings on charges of insulting the memory of Atatürk were under way against Mr. Mezarci, namely case N° 1996/588 before Ankara 8th Criminal Court, case N° 1996/575 before Ankara 20th Criminal Court and case N° 1996/570 before Ankara 5th Criminal Court,

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



*Considering* that, according to the same letter, as regards his trial on charges of insulting and defaming the Turkish armed forces in statements he had made in the weekly « Tempo » on 10 February 1993 and in the daily newspaper « Yeni Asya » on 24 January 1993, he was acquitted; that on the other hand, as regards his trial on charges of insulting and defaming the Turkish Parliament in a statement he had made on 20 March 1992 in the « Sabah » newspaper, he was sentenced to 10 months' imprisonment under Articles 159(1) and 159(2) of the Penal Code; that an appeal is pending,

*Considering* that, according to the indictment, he stated the following: « *This Constitution and this Assembly will not resolve any of the country's problems and it will lead to another military coup. The solution is the Sharia system. I cannot sit in this Assembly. I am disgusted with it* »; that at the court hearing on 19 March 1997, Mr. Mezarci reportedly said « *I described Sharia as a belief, not as a State form. (...) It is my constitutional right to inform people of my Assembly activities. I have spoken more openly in the Assembly than in newspaper reports where I have been quoted.* »,

*Recalling* the assertions of the Turkish delegation at the 97th and 98th Inter-Parliamentary Conferences that the Turkish Government was making every effort to bring Turkish legislation into line with European human rights standards, especially as regards the right to freedom of speech, and that a number of laws have been adopted to this end, in particular the amnesty law of 14 August 1997,

*Bearing in mind* the interpretation given by the European Court of Human Rights to freedom of expression, namely that « *freedom of expression constitutes one of the essential foundations of (such) democratic society, one of the basic conditions for its progress and for the development of every man. Subject to Article 10 (2), it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no democratic society* » (Handyside v. UK, September 1976),

1. *Thanks* the President of the Turkish National Group for the information he provided;
2. *Also thanks* the Turkish delegation for the observations it supplied;
3. *Considers* that in making the statement which, on 29 January 1996, led to his sentencing to 18 months' imprisonment, Mr. Mezarci was simply exercising his right to freedom of speech, guaranteed under Article 10 of the European Convention on Human Rights, to which Turkey is a party;
4. *Likewise considers* that the statement published in the « Saba » newspaper on 20 March 1992 lies within the bounds of his freedom of speech, and *notes* that an appeal is pending;
5. *Would appreciate* detailed information on the other judicial proceedings apparently still under way against him;
6. *Calls once again* on the Turkish authorities to release Mr. Mezarci, particularly in the light of the stated efforts of the Turkish Government to bring its legislation into line with European human rights standards, including a broader interpretation of freedom of speech;
7. *Requests* the Secretary General to convey this decision to the President of the Turkish National Group inviting him to provide the desired information;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (September 1998).